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President: Mr. Essy ..... (Côte d'Ivoire)

In the absence of the President, Mr. Touré (Guinea-Bissau), Vice-President, took the Chair.

The meeting was called to order at 10.40 a.m.

Agenda item 11 *(continued)*

Report of the Security Council (A/49/2)

Mr. Keating (New Zealand): My delegation is pleased to participate in this debate on the annual report of the Security Council. We appreciate this opportunity to reflect on the nature of the relationship between this Assembly and the Security Council.

There are six organs established by the Charter of the United Nations. Two of these organs have power formally to bind Member States: first, the International Court of Justice in respect of matters of law which are in dispute between States and which are within the Court's jurisdiction; and secondly, the Security Council in respect of measures necessary for the maintenance of international peace and security. The Security Council also has a role with respect to enforcement of the Court's judgments.

The other organs of the United Nations — the Economic and Social Council, the Trusteeship Council and this General Assembly — are deliberative political organs with wide-ranging mandates but with no authority to bind except in two very specific ways. The General Assembly can direct the work of the Secretariat, which is, of course, the sixth organ, and it can bind Member States financially by virtue of the contributions which it may assess under Article 17.

As we see it, each of these organs is an integral part of a single whole, and the Charter provides for complex interrelationships between these organs. This web of relationships involves reporting, specific channels for recommendations, prescribed processes for elections, judicial review in certain defined circumstances, and finally, political consideration of decisions. It is a series of relationships involving checks and balances that were designed by the founders of the Charter to avoid the dominance of the United Nations — and ultimately of the Member States — by any one of the organs.

In considering the relationship between the Security Council and the General Assembly, we do not think it is appropriate, as some have suggested, to assert that the General Assembly is somehow the superior body and that the Security Council is a subordinate body and as such is accountable — or should be — to the General Assembly. That is not what the Charter prescribes.

Some delegations have suggested that we explore the possibility of amendments to the Charter to adjust formally the relationship between these two organs. My delegation would never oppose the idea of serious discussion about ways really to democratize the United Nations — but, of course, this is a major issue. Democratization could not stop with the simple question of the relationship between the General Assembly and the Security Council. If we were to contemplate a

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constitutional format for this Organization of ours under which the Council would be like, for example, a cabinet in a national government accountable to a parliament, we would in our view need to look at other key questions such as according the General Assembly the kind of plenary and binding powers that a real parliament enjoys — and that would involve *inter alia* the power to bind by majority vote. It would also have to involve binding and compulsory dispute settlement, and that means making it impossible to opt out of the compulsory jurisdiction of the International Court. But we see no evidence at all at this point in time that the Members of this Organization, including some of those most keen to reform the Security Council, are yet ready to engage in such a fundamental reform of the United Nations.

Our conclusion therefore is that the legal balance of power set out in the Charter, between the Council and the Assembly, will be with us for some years yet. The purpose of our present exercise must therefore be to look, in the context of the annual report of the Security Council, at what improvements can be made within the framework of the current legal balance.

We agree strongly with those who say that change is needed. We believe change is needed in the practice and the culture of the Security Council — the way it operates in practice. But what sort of changes are required?

We believe that the report of the Security Council currently before this Assembly indicates some valuable changes which have been made since the Council's previous report was considered by the Assembly.

First, subjects for discussion at the informal consultations of the Council are now announced in the *Journal*, so that General Assembly members do have advance notice of them.

Secondly, The Council's provisional monthly work programme is now circulated to all Missions and contains a calendar of significant dates relevant to the mandates of peace-keeping operations and also of sanctions regimes. Opportunities for input therefore exist.

Thirdly, consultations between the President of the Council and the chairmen of the regional groups have been initiated.

Fourthly, the annual report itself is now prepared on time, the organization of its contents is more helpful and it contains a modicum of analytical comment — although as to the content of the report, I have to say that from my delegation's perspective, we see little value in reproducing within the report the texts of all the Council resolutions and statements. These are readily available elsewhere and even the minor cost savings of avoiding this duplication would be worth while.

Fifthly, informal and ad hoc mechanisms have been found, albeit rather too rarely in our view, for the Council to consult with United Nations Members outside the Council on matters of significance to a particular region.

Finally, on one occasion consultations did take place between the presidency and Member States directly affected by an untoward turn of events. In the case I am referring to, consultations were held with troop contributors to the United Nations Assistance Mission for Rwanda, during the crisis which followed the death of the President of Rwanda in April.

All these developments are positive and move in the right direction. They improve the transparency of the Council's work, but there is much more that could be done.

The first area in which, we believe, more could be done relates to information about the work of the Council.

The process of casual briefings by delegations after sessions of informal consultations has never been satisfactory. It is haphazard and means that only certain delegations who happen to be waiting get briefed. This leads to errors in that the information is hurried and often third hand, with the risk that delegations might be seriously misrepresented. We welcome the initial step taken by the President of the Council, last month, to hold briefings for interested delegations. We believe that this practice should continue, and it should continue if possible on a daily basis. We also believe that it can be done without prejudicing the confidentiality and efficiency of the informal consultations.

The second area for the further improvement which we believe should be effected in the report of the Security Council would relate to an increase in the capacity of the Council to consult with and receive input from non-members of the Council. We believe that a major source of concern is that a State which raises an issue before the Council, but which is not itself a member of the Council, has no opportunity under the

Council's current operating processes to present its position publicly until after the Council has decided in private what action it intends to take. This is not only a problem of transparency; we believe that it is also in some ways a problem of due process. We believe that the Council needs to provide more opportunities to allow States not members of the Council to express their views publicly in advance of the Council's commencing private consultations on its response.

Another major concern, which is felt very strongly by members of the General Assembly, in particular those that are troop-contributing countries, is that the Council is not providing sufficiently responsive mechanisms for consultation with troop-contributing countries on major issues relating to peace-keeping operations. I believe it is important to record here our appreciation of the efforts of the Secretariat to date in this regard to organize meetings of troop contributors for the provision of information. These are useful, but, as so many other colleagues who have spoken in this debate have pointed out, they are no substitute for consultation between the Council and troop-contributing countries. My delegation has joined in the Security Council with the delegation of Argentina to make a proposal, set out in document S/1994/1063, which would provide for a substantial improvement in this consultative process and a more appropriate recognition of the requirement that exists on occasion for members of the General Assembly to have a direct dialogue with the members of the Security Council on matters such as peace-keeping operations. We remain hopeful that a positive outcome to this initiative will be achieved.

We also believe that there are cases in which the Council's consideration of issues would benefit from mechanisms to allow informal input by regional countries closely interested in or affected by a situation. As has occurred at least once in the past, working groups of the Council could liaise with such groupings of States to receive input.

Finally, how are we to proceed in the future? My delegation believes that these are matters on which only the Council itself can in fact take decisions. They are not matters which can be imposed by a vote in the General Assembly. The Council has shown that it is capable of addressing these sorts of issues, and we are very pleased that it is making some attempts to reform its culture to reflect the new climate that exists in this Organization. But, unfortunately, on some issues the Council allows itself to be sidetracked into delay or, worse, inaction by a small minority or on occasion by a sole dissenting voice. We believe that this is unacceptable on matters which beyond any shadow of a doubt are of a procedural nature and on which the wish of the majority is clear.

Finally, with respect to the role that the General Assembly can properly play on these issues, we believe there is room within the respective constitutional roles of the two organs for the General Assembly to formulate recommendations to the Security Council. If we are to make improvements within the current framework of our Organization, then it is entirely reasonable, in our view, that both organs should have an opportunity to suggest how this should be done. And it is also entirely reasonable that dissenting minorities in the Council should hear very clearly the voice of the majority in the wider Organization.

Mr. Ramirez de Estenoz Barciela (Cuba) (*interpretation from Spanish*): Allow me first to say that my delegation welcomes the fact that the Permanent Representative of the United Kingdom, in his capacity as President of the Security Council, introduced the report of the Security Council to the General Assembly. We hope that this practice, which we are encouraged to note was reinstituted last year by the Permanent Representative of Brazil, will become a tradition to be followed by future Presidents of the Security Council.

It is particularly important for us that the number of delegations participating in this debate has continued to increase. In our view, the report of the Security Council is of interest to all delegations, as the Council has become not only the most active organ of the Organization, but also the one whose activities increasingly affect a large number of countries.

It must be recalled that this item is included on the agenda of the General Assembly in compliance with provisions of the Charter. Article 15 requests the Council to provide annual reports to the Assembly, since, as stated in Article 24, the Council's powers are conferred upon it by the Members of the United Nations — that is, the General Assembly — on whose behalf it acts. In other words, when the General Assembly considers the report it is not only taking cognizance of issues of the greatest interest to the entire international community, but is also fulfilling responsibilities entrusted to it by the Charter.

Nevertheless, as we have indicated in the past, the content of this report does not enable the General Assembly truly to fulfil its responsibilities in an effective

manner. In its present form, the report of the Security Council may be useful to libraries and documentation centres, but it is not useful to States, which, in accordance with the Charter, must assess the activities in which the Council engages on our behalf and determine whether or not the Council is making proper use of the powers that we ourselves have entrusted to it.

The delegation of Cuba is among those that have systematically criticized the partial and cursory manner in which the work of the Council is presented to the Assembly. Last year we observed that a number of positive changes had been made in the report, thanks to the efforts of several members of the Council. It seems that such efforts have not continued, and this year's report is totally devoid of any analytical material that would allow us to assess what the Council has done or failed to do.

This is closely associated with the increasing number of requests for greater transparency in the activities of the Council. Prevailing practices, which are characterized by the closed and secret nature of most of the substantive deliberations of the Council members — and notwithstanding some marginal improvements in the course of the past two or three years, which we of course recognize — make it increasingly necessary that requests for an analytical, complete and comprehensive report be met.

Other elements in the Council's activities are also linked to the issue we are considering today. The Security Council has shown an increasing tendency to consider as its own a number of issues in the work of the Organization that have nothing to do with the powers conferred upon it by the Charter. It arrogates to itself the right — which has not been given it — to decide when a situation does or does not pose a threat to international peace and security, and this might lend impetus to the growing tendency to interfere in the internal affairs of States; it arrogates to itself, without appropriate guidelines laid down by the democratic and universal bodies of the United Nations, the power to determine when there is a need to have recourse to the provisions of Chapter VII of the Charter. For today's Security Council, and for some of its permanent members in particular, that organ constitutes the Organization's only valid body; this conveniently ignores the fact that each one of the bodies that make up the United Nations has its own functions and powers.

The Council's tendency to act as an autonomous body continues to grow, and, given its responsibilities with regard to international peace and security and its consequent power to impose sanctions or resort to the use of force, that tendency is increasingly dangerous. It is also cause for concern that every time the Council takes up an issue, however simple, it immediately decides to keep it under review, thereby enabling some of its members continuously and repeatedly to invoke Article 12 of the Charter and rendering it more and more difficult for other United Nations bodies to act and eventually make valid contributions to the solution of conflicts and disputes. To this should be added other situations and actions, such as the undue proliferation of peace-keeping operations and the granting of licences to individual countries or groups of countries to act on behalf of the Council.

Indeed, appropriate information to the Member States, adequate structure and analysis in the annual report of the Security Council to the General Assembly, as well as special reports presented when circumstances warrant, as provided by the Charter, are all necessary and imperative if the Organization is to become effectively democratized and fulfil the purposes and principles for which it was created.

Nothing that the Council does or fails to do should be hidden from the Members of the Organization, on whose behalf, I repeat, the Council acts. Here, I am forced to note that the document that we are now considering does not contain a single word concerning the tenor of the Security Council's real discussions, and that, in our view, is a virtual violation of the Charter and its provisions setting forth the Council's obligation to report to the General Assembly. In so doing, the Security Council is preventing the General Assembly from carrying out its legitimate responsibilities, even its responsibility to make recommendations to the Council regarding its activities or *modus operandi*.

There can be no doubt whatsoever that in order to allow the Assembly to fulfil those functions Member States should ensure that it also has the means to implement the powers conferred upon it by the Charter with regard to the maintenance of international peace and security and the peaceful settlement of disputes, powers that are set forth, *inter alia*, in Articles 10, 11 and 14 of the Charter itself.

In light of this, my delegation would like to express its complete endorsement of the statement on this item made by the representative of Indonesia on behalf of the members of the Movement of Non-Aligned Countries and to emphasize most particularly the need for this item to

remain open after the conclusion of the present debate, in order to allow for the holding of the consultations foreseen in paragraph 4 of General Assembly resolution 48/264, which, in essence, are closely linked to this subject.

I would prefer not to repeat the elements that, as my delegation has pointed out over the past few years, should be included in the report of the Security Council to the General Assembly. Nevertheless, it is worth recalling that that report should not only include references to the official documents considered by the Council and those adopted by it, but also, and even more importantly, it should include an analytical summary of the discussions held in the so-called informal consultations of the whole, which the Council's present inadequate practice have transformed into its true debates.

In this connection, the report should also duly reflect the frequent oral reports to the Council by high Secretariat officials and the letters exchanged between the President of the Security Council and the Secretary-General, when those are not published as official documents of the United Nations, and it should include a report on the activities of the subsidiary organs of the Council, which are also of the utmost interest to the Members of the Organization.

At the same time the report's structure should be made more functional and be adapted to the new analytical content we are advocating. This would be our only means of determining what the real activities of the Council have been during the year or of being able evaluate, albeit in a summary manner, the results of those activities in political terms.

We urge the Members of the Organization to consider this issue seriously as a first step towards the pressing and necessary reform of the Security Council, along with the restoration of equitable geographical distribution in the Council's membership and an increase in its numbers. Failure to do so would be tantamount to ignoring our responsibilities as Members of the United Nations. If the Council cannot by itself modify substantially the manner in which it reports to the General Assembly so as to meet the wishes of the Organization's membership as a whole, the General Assembly should be prepared, sooner rather than later, to make the necessary recommendations to that effect.

Mr. Biegman (Netherlands): I wish to thank the President of the Security Council for his presentation of the annual report of the Council to the General Assembly.

The report is testimony to the dramatically increased activities of the Council in recent years. It gives a clear indication of its heavy and ever-increasing workload, and my delegation wishes to take this opportunity to express its appreciation for the dedication and hard work of the members of the Council.

Once again, the report is purely enumerative and descriptive in nature. The question arises of whether this is still the appropriate format for the annual report of a body that is at present fulfilling such a pivotal role in the maintenance of international peace and security.

It should not be forgotten — and many speakers have said this already — that the Council is fulfilling this role on behalf of the entire membership of the Organization, as provided in Article 24 of the Charter. It is here that the legitimacy of the Council's actions is anchored. But from that Article of the Charter it also flows that the general membership is entitled to be informed about the way in which the Council is fulfilling its responsibilities. My delegation holds the view that, against the background of the Council's increased responsibilities, the general membership is entitled to receive a different kind of report than the one we now have before us.

I fully realize the difficulties involved in producing a report that is of a more analytical character. I am not advocating that an extensive account should be given of all the aspects of the negotiations in the informal consultations in the Security Council. Informal consultations are useful, necessary and indispensable for the effectiveness of the work of the Council.

At the same time, it is necessary to enhance the transparency of the work of the Council. More than ever before, the Member States are actively involved in peace-keeping operations around the world mandated by the Security Council. It is therefore logical that, more than ever before, Member States feel the need to be involved in the Council's decision-making process.

The flow of information between the Council and the membership at large has to be improved. The annual report is one of the channels that can be used for this purpose. In this light, the present format of the annual report does not seem appropriate any more.

The United Nations finds itself at present in a transitional phase, seeking a new identity in a new and

complex international context. The Organization is trying to redefine its role in responding to the many challenges it is facing. Especially in the field of peace-keeping, the United Nations has learned important lessons in the recent past.

However, in the report of the Council, which is the only body competent to authorize such operations, no mention is made of positive or negative experiences on the basis of the activities of the past year. I cannot imagine that the Council has not drawn some conclusions from what has happened in Somalia, Bosnia and Rwanda. Why, then, are the benefits of that experience not shared with the non-members of the Council? It seems hardly necessary to mention in this regard the special interest of countries that are providing troops to peace-keeping operations. I noted with great interest that the President of the Security Council announced yesterday that the Council had made some headway with respect to the proposal made by Argentina and New Zealand, and I am very much looking forward to seeing the result.

At any rate, it seems to me that a special chapter in the report dedicated to an evaluation of the experiences of the past year would be a welcome enrichment of the present format, a sort of chapter on lessons learned. If the Organization wants to be responsible, credible and successful, it is of paramount importance that we try to learn as much from our failures as from our successes. It is not acceptable that a body which is given such tremendous power and responsibility for the maintenance of international peace and security should render account by way of a simple list of its activities during the past year. No organization in which powers of this magnitude are delegated to a select body would be content with a purely factual annual report.

Before closing, let me assure the Assembly that my critical remarks made here today about the report are in no way meant to infringe the competence and prerogatives of the Security Council. My suggestions and comments should be seen as an effort to contribute to an enhancement of the legitimacy and effectiveness of the decisions of the Council, in whose important role we continue to believe.

Mr. Fulci (Italy): The Security Council has once again produced for the General Assembly a report with a long and detailed list of its activities between June 1993 and June 1994. From the report, the volume of the Council's work in the interest of the maintenance of international peace and security appears particularly impressive.

However, in terms of quality, I am afraid I must note once again, as in previous years, the purely descriptive nature of the document. One should not forget that this report constitutes the main formal link between two bodies of vital importance to the United Nations system. The need to redefine and invigorate relations between the Council and the General Assembly, which is the embodiment of the United Nations general membership, has been repeatedly emphasized by my country and by almost all others during the exercise currently under way for the reform of the Security Council. Indeed, greater democratization of the United Nations is widely considered both necessary and urgent.

One of the various proposals for reform is to infuse new life into this type of annual report by eliminating some of its ritual, bureaucratic verbiage and enriching it instead with an assessment of the substantial problems that the Security Council must face. My delegation fully supports this proposal. Only in this way can the General Assembly, which elects two thirds of the Security Council's members, gain a more concrete and accurate idea of the Council's activities.

We would also like this report to be accompanied by other instruments and mechanisms that would make relations between the General Assembly and the Security Council closer and more organic. Various proposals to this end have been advanced during the debate on the reform of the Security Council. Examples include the establishment of periodic meetings between the Presidents of the two bodies or the creation of a shared subsidiary body. We believe that these proposals should be examined in depth since a more efficient and fruitful collaboration between the two bodies would provide the fundamental premise for guaranteeing the entire United Nations membership a greater sense of participation in the work of the Council.

We feel that one step in the right direction was taken by last month's President of the Security Council, Sir David Hannay, when he held a briefing on October 27 for all the Missions not represented on the Security Council. The response was warm, and 70 or so countries showed up. We applaud this initiative and look forward to briefings by future Presidents. This should become established practice. The participation of the greatest possible number of Member States should be encouraged.

To this end, we take the liberty of suggesting that such briefings by the President of the Security Council be held regularly on a certain day of the week — possibly at

the same time and place — and that they be announced in the United Nations *Journal*. We should not forget that many of the improvements in the Organization have come about not through Charter revisions but through changes in practice. This is the road we should continue to follow.

Finally, I want, like other representatives who have spoken, to underline another step that might be taken. This was illustrated just a few minutes ago by our colleague the representative of New Zealand. I refer to the establishment of a mechanism for the Council to hold regular and thorough consultations with countries contributing troops to peace-keeping operations. In this light, we very much welcome the joint proposal by Argentina and New Zealand. This has already received the open support of many Member States, and it deserves an in-depth examination and a concrete follow-up by the Security Council.

Mr. Bivero (Venezuela) *(interpretation from Spanish)*: The report of the Security Council is one of the most important documents that the General Assembly has before it. As the Secretary-General points out in his report,

> "The vastly enhanced activities of the Security Council have generated a justifiable interest ... among the Member States ... and the international community",

who are demanding

> "more transparency in the working methods". *(A/49/1, para. 30)*

Notwithstanding this acknowledgement, one can only conclude that over the past year only marginal progress has been made in the relationship between the Security Council and the General Assembly or between the Council and Member States with regard to procedures governing information, consultation, transparency and predictability.

As a reference document the report is invaluable to Member States, but it is of lesser usefulness for the purpose of assessing the conflicts dealt with by the Council, the interests at stake in those conflicts and the merit of measures adopted by the Council to resolve them. Anyone wanting an overall picture of a given crisis and of the strategy adopted to resolve it would have to consult the Secretary-General's report on a case-by-case basis.

An overall analysis of the activities of the Organization through its various bodies continues to be necessary. The present approach is piecemeal; it has not yet been structured. The report that we are considering today is but one piece — indeed, an unrelated piece — of the whole.

The importance of the process and the methodology of information is relevant not only because of the very nature of the items concerning the maintenance of international peace and security. Given the exponential growth in expenditures on peace-keeping operations, each Government must have a thorough knowledge of the origin of and the justification for the commitments imposed on it by the Council and must be in a position to make a better assessment of its possible contribution to the collective efforts that are advocated. This applies in particular to countries that are troop-contributors.

Venezuela considers it necessary to continue to explore options to improve the situation. We are in favour of achieving greater and better interaction between all the competent organs in the area of international peace and security by parallel and mutually complementary means. First, there must be an increase in the number of members of the Security Council. Secondly, the procedures governing information and consultations must be improved. Our objective is to encourage a working relationship that produces better communication and coordination between the General Assembly and the Security Council and ensures that each body fully respects the jurisdiction of the other.

In this context, we have welcomed the progress that has been made in the sphere of the Council's documentation and related issues; this is dealt with in chapter 28 of the report. At the same time, we should like to see similar progress in any direction that would facilitate the tasks of the General Assembly, whose powers under Articles 10, 15 and 24 of the Charter do not require confirmation in respect of either matters of substance or matters of procedure. Ultimately, however, such progress depends on the Council's authorizing the Secretary-General to provide information more frequently to the Council, in accordance with paragraph 2 of Article 12 of the Charter.

Venezuela favours greater use of special reports, which are particularly justifiable in the case of matters considered under Chapter VII of the Charter, and the production of ordinary reports at intervals that are more in tune with the dynamics of the Council's activities.

Mr. Mwaungulu (Malawi), Vice-President, took the Chair.

The annual report could be subdivided into semester sections. Thus it would be closer to the activities being reported upon. In addition, its contents should be more analytical, as has been said repeatedly in this Hall. Closer follow-up to the activities of the Council, to reports by the Secretary-General, to consultations and plenary meetings, to resolutions adopted and to communications exchanged would certainly lead to a fuller understanding of the Security Council's work and of how it is discharging its obligations. However, all that we have at present is not an institutional perception but the subjective assessment of each Member State that has been bent on following up. We also see with increasing frequency the political complexities of a given situation falling within the exclusive jurisdiction of the Council and being dealt with only in a supplementary way by the General Assembly and its subsidiary bodies. All Member States must take a position and must contribute to solutions. For both reasons, we consider that the work of the Council and of the General Assembly would be facilitated by more comprehensive and analytical documentation and by more flexible consultation procedures. Resolution 48/264 might be the basis for work in both these directions.

The report that is being considered by the General Assembly covers part of the period during which Venezuela had the responsibility of being a member of the Security Council. My delegation has no comment to make on the report's content in respect of matters in the consideration of which we participated. However, we should like to repeat that consideration of these matters would have been more useful if it had taken place a year ago, and our work in the Council would have been enriched by more dynamic relations between the Council and the General Assembly.

During the period of our membership we advocated regular consultations and exchanges of views with regional groups and States concerned. From our own experience we can say that the Council's work would have benefited substantively and operationally. For this reason we are convinced of the virtue of transparency and of constructive interaction. We are confident that the methods of work and procedures of, and the submission of reports by, the Security Council and the General Assembly will develop in the direction of achieving these goals.

Mr. Pashovski (Bulgaria): I should like, at the outset, to thank Sir David Hannay, who occupied the presidency of the Security Council during the month of October, for his very helpful presentation of this report to the General Assembly. We appreciate his efforts to contribute to the recent commendable trend, in the functioning of the Council, towards greater transparency and concern for the interests of States that are not members of the Council.

My country would also like to take this opportunity to express its high esteem for the delegations of all the States — both permanent and non-permanent members — that have served on the Security Council in the past year for their commitment and dedication. Our thanks go also to the Chairmen of the sanctions Committees, who have worked diligently and assiduously, often under great pressure and in extraordinary circumstances.

The views of my country on the work of the Security Council and on issues of special interest to us have been expressed on a number of occasions, most recently in the general debate and in discussions that have begun both in plenary and in the Committees. It is therefore my intention to try to make this statement as concise as possible. Allow me therefore to focus on some ideas and specific proposals pertinent to the functioning of the Council which, we believe, would improve its efficiency and the transparency of its work.

In the effort to achieve greater openness and transparency in the work of the Council we welcome the steps undertaken over the past year to provide information to non-member States on a regular basis. Let me note, in this connection, the decision by the Council to make available the tentative forecast of its monthly programme of work as well as draft resolutions in their provisional form. We also welcome the practice, recently introduced by the Presidency, of holding periodic informal briefings on the current work of the Security Council.

In our opinion, further measures in this direction could include regular and/or ad hoc operative briefings on the deliberations at meetings of the sanctions committees; the introduction of the practice of open meetings of the Council's sanctions committees or participation in meetings of these committees by States concerned, as observers, whenever such participation is warranted by the discussion of issues of vital importance for them; and measures to provide improved and more timely access of interested States to documents of the sanctions committees, as appropriate.

The need for consultations with States that are not members of the Council but that are directly concerned is most strongly felt when economic sanctions and other

similar preventive and enforcement measures are considered. We note steps taken in this direction during the past year, in particular concerning applications made under Article 50 of the Charter, as a consequence of the implementation of the sanctions imposed against the former Yugoslavia, which are listed under chapter 2 B of part I of the report.

We think that, in addition, this process should include advance complex evaluations of any negative effects on the economies of neighbouring countries and the definition of ways and means of dealing with such unfavourable effects; and devising an institutionalized mechanism for assisting those countries in their difficult situation. Regular consultations with troop contributors and other States concerned should also be institutionalized as a component of the decision-making process on peace-keeping operations, especially when the Council considers changes in their mandates and composition. We think also that the trend towards a more active contribution by regional organizations should be further expanded through appropriate consultative arrangements.

In conclusion, let me express my hope that the suggestions I have made will prove useful in our common endeavour to improve the efficiency and effectiveness of the Security Council in the fulfilment of its highly important mission with regard to the complex problems facing the world today.

Mr. Gambari (Nigeria): Let me begin by associating my delegation with the statement made by the President of the Security Council, the Permanent Representative of the United Kingdom, Sir David Hannay, in introducing the annual report of the Security Council for the period 16 June 1993 to 15 June 1994, contained in document A/49/2.

Nigeria welcomes the improvement, not only in the format of the report, but also in its presentation. We note also, in the context of the report, indications as to changes that need to take place in the working methods and procedures of the Council in order to provide for enhanced interaction and consultation between members of the Security Council and States Members of the Organization.

My delegation had welcomed the establishment by the Council, in June 1993, of an informal working group on documentation and other procedural matters. That group met regularly in the course of the year covered in the report to consider ways of improving the Council's working procedures. The measures which resulted from those such endeavours have been useful, although there is room for substantive improvement. For example, the initiative currently under discussion as to how best to brief Member States on the progress or outcome of the Council's informal consultations is a welcome development and one which my delegation fully supports. We hope that other members of the Council will continue to support it.

During my delegation's statement in the general debate on the question of equitable representation on and increase in the membership of the Security Council and related matters, we indicated that the restructuring of the Security Council should be undertaken in a holistic manner rather than piecemeal. We stressed that these reforms must take due account of the Council's working methods, including especially the issue of transparency. In this regard, the recent initiative of the delegations of Argentina and New Zealand with a view to creating a more effective system of consultation between Security Council members on the one hand and troop-contributing countries on the other provides a useful contribution against the backdrop of the increasing complexities and demands of United Nations peace-keeping operations. As a major troop-contributing country, Nigeria takes the view that consultations between troop contributors and the Security Council are not only desirable but necessary for the full discharge of the obligations under the Charter. It is important however that the mechanism for such consultations be fashioned in a manner which enhances rather than blurs the respective roles of the existing organs of the United Nations system involved in peace-keeping operations.

The decision to make available to all Member States the tentative forecasts of the programme of work of the Security Council each month, with annexes of reports by the Secretary-General has considerably enhanced the Council's efforts to achieve greater transparency. Further improvements in this direction would be very welcome.

My delegation is impressed by the volume and scope of work, evident from the report, which the Council had undertaken in the past year in the maintenance of international peace and security, which is its primary responsibility. It is significant to note, for instance, that the Council adopted 87 resolutions and issued 68 statements by the President covering conflict areas and related issues. No doubt, the scope of this work reflects the changed circumstances of the international post-cold-war situation, which has enabled our Organization to begin to play the role and to fulfil the expectations envisaged for it by the founding fathers.

Peace-keeping has become the critical concern of our time, and rightly so. Out of the several peace-keeping operations currently being undertaken by the Security Council, unfortunately a preponderant number of them happen to be located in our continent, Africa. The sober reality of the increase in the number of conflicts and their location reflects the depth of the political problems facing the affected regions and the level of the prevailing developmental crisis. They underline the intrinsic linkages between peace and development and remind all of us that a renewed global commitment to both is the best way forward.

In conclusion, my delegation wishes to reiterate its firm belief that the Security Council can only maintain and enhance its credibility, its legitimacy and its effectiveness if it adopts processes that are both democratic and transparent. We therefore urge the Security Council to intensify efforts in this direction.

Organization of work

The President: I should like to inform delegations that, as announced yesterday, the Assembly will consider agenda item 39, "The situation in Bosnia and Herzegovina", on Thursday, 3 November 1994 in the morning instead of on Wednesday, 2 November 1994 as previously scheduled.

Agenda item 11 *(continued)*

Report of the Security Council (A/49/2)

Mr. Ould Ely (Mauritania) *(interpretation from French)*: The presentation and consideration of the report of the Security Council has in recent years become one of the high points in our work. The renewed interest in this report is merely the reflection of the profound changes that have occurred in international affairs which have led to the expansion of the activities of this central body of the United Nations system, and thus to more frequent decisions on subjects of major concern.

The overriding role played by the Security Council in the maintenance of international peace and security has, quite rightly, made it a body in the activities of which all States are rightly interested, hence the importance they attach to its work, functioning and working methods. It is also why the annual reports of this body submitted pursuant to paragraph 3 of Article 24 of the Charter are of great interest for all States, in particular for those that do not have sufficient human or material resources systematically to follow all the subjects dealt with by the Council.

The delegation of Mauritania fully agrees with the views expressed by the Ambassador of Indonesia speaking as current Chairman of the Non-Aligned Movement.

Our previous debates on this question stressed the need to change the present descriptive style of the report and to make it a document containing analysis and evaluation where all Member States could find information that would enable them better to understand the fine details of decisions that they are required to implement.

Acting on this request is particularly crucial since with the increase in the items dealt with it is essential to give States the means to make a positive contribution to the decision-making process and to participate in all the preparatory stages. That is why my country supports efforts to expand the membership of the Security Council to make it reflect the current realities of our world as well as the prevailing sensitivities we find in it. That is also why we would like to see the flow of information between the Council and the General Assembly become an ongoing process and we think that the Charter provisions here should be applied more systematically.

The crucial role of the Security Council in the preservation of international peace and security makes it a body whose decisions have important ramifications in various areas of activity. That is why the way it functions and acts is a matter of great importance. Here we welcome the new unity of action we have witnessed in the Council in recent years, just as we welcome recent efforts to submit reports within agreed deadlines.

Finally, we hope that the current negotiations seeking to bring about the changes we wish to see, with regard to the composition of the Council and its working methods, will continue. The commemoration of the fiftieth anniversary should encourage us to redouble our efforts so that we can face the future with an instrument that is capable of meeting the challenges and opportunities ahead.

Mr. Owada (Japan): At the outset I wish to express the gratitude of the delegation of Japan to the Secretariat for preparing this report of the Security Council to the

General Assembly for the period from 16 June 1993 to 15 June 1994. Japan was a member of the Council during the first half of that period. The report is a useful document consisting in large part of a compilation of the relevant documents and materials on all subjects that the Council addressed in the course of the year. My delegation notes in particular that during that time, the Council held 153 formal meetings, adopted 187 resolutions, and issued 68 presidential statements. We note with great interest that this level of activity is a clear reflection of the important role the Security Council is playing in the maintenance of international peace and security. As the world is moving into a new era after the demise of the cold war, there is no question that the Security Council is expected to play a central role in consolidating the international order in this new international environment. It is precisely from this perspective that Japan has been stressing the importance of enhancing the legitimacy and credibility of the Council by improving its functioning. Japan will continue to contribute to the work of the Security Council.

As my delegation emphasized during the debate on the question of equitable representation on and increase in the membership of the Security Council, the need to reform the organization of the Council and the need to reform its functioning are the two issues which together form the basis of an overall plan to reform the Security Council. They should therefore be examined concurrently. It is hoped that agreement will be reached on both of them as soon as possible.

In the context of the present agenda item, Japan strongly supports measures to achieve greater transparency in the work of the Security Council. As a member of the Council, Japan worked actively towards this end, particularly through the working group on procedural matters. In addition, when Japan served as President of the Council in 1993 it engaged in more than 60 bilateral consultations in an effort to expand communication between members of the Council and non-members.

On this score, a number of proposals have been submitted, including a few by my own delegation, to make information on Security Council activities, particularly on the progress of its informal consultations, more readily available to United Nations Member States.

We are gratified to note that the Council itself has been making efforts and taking appropriate action in this direction. As described in the report, in July 1993 the Council decided to make available to all United Nations Member States a tentative forecast of the programme of its work for each month. Also, in March 1994 it decided that the draft resolutions in their provisional form would be made available to States which are not members of the Council. These new measures have surely been helpful in improving the transparency of the Council's work.

Moreover, we understand that the Council has recently introduced a new system of periodic briefings to be made by the delegation which holds the presidency on the discussions conducted in the consultations of the whole. This new initiative is consonant with a suggestion that my delegation put forward, and one that we heartily welcome.

In order to enhance the legitimacy and credibility of the Council, it is important that the two-way flow of information between the Council and United Nations Member States be improved. This, in turn, will contribute to a more effective functioning of the Security Council. My delegation has joined others in suggesting that a mechanism should be established for consultations on peace-keeping operations between the Security Council and the countries concerned, including those that make major contributions of funding and troops, as well as other interested countries. We note that some improvement has been made in this regard by ensuring interaction on major peace-keeping operations through meetings between the Council and troop-contributing countries, enabling both sides to better understand the views and concerns of the other.

We also stress the importance of improving relations between the Security Council and the General Assembly, and of ensuring that the views of the latter body are reflected in the deliberations of the Council.

In closing, let me once again express my delegation's gratitude to the Security Council for its efforts to enhance the transparency of its activities. We hope the Council will continue those efforts while paying due regard to the need to maintain efficiency in its work.

Mr. Cardenas (Argentina) *(interpretation from Spanish):* Today, once again, we are speaking in a debate in the General Assembly on the report of the Security Council to the General Assembly. The report this time covers the period from June 1993 to June 1994. This is a continuation of a welcome practice, which was begun in 1990 by the delegations of Colombia, Cuba and Malaysia. This practice has made possible a beneficial dialogue between two United Nations organs, the General Assembly and the Security Council, in accordance with

the express provisions of Article 24, paragraph 3, of the United Nations Charter.

In this context, we would like to give special thanks to the delegation of the United Kingdom for introducing this report to the Assembly and for continuing the approach taken by the delegation of Brazil last year, that is, adopting the report in a formal meeting of the Security Council.

The delegation of Argentina has once again had the responsibility of being a member of the Security Council since the beginning of this year, and has been and is most actively interested in all matters pertaining to international peace and security. That is because the question of international peace and security is of such magnitude that complacency in this matter is out of the question.

Argentina's commitment to these activities is as clear as it is concrete, as we assume what we consider to be one of the most serious responsibilities for Member States that derives from the Charter.

Argentina's interest in these problems has been shown not only in our ongoing participation in the debates in the various United Nations forums, but also in our having contributed 1,600 Blue Helmets from Argentina who are currently engaged in nine peace-keeping operations throughout the world. The significant contribution of Argentina is proof of Argentina's commitment to international peace and security. We would add that, when it has been necessary to restore peace, Argentina has contributed with military units to United Nations efforts in conflicts between Iraq and Kuwait and, more recently, in Haiti, to whose democracy my delegation has always been committed.

Also within this framework can be found the various measures adopted by Argentina in the field of disarmament. For example, in a bilateral framework with Brazil, we have taken action for the utilization of nuclear energy for peaceful purposes; regionally, we have ratified the Tlatelolco Treaty and, more broadly, we have participated in a moratorium on the sale of anti-personnel land-mines that was decided on by the Government of Argentina.

The period covered by the report before us could be considered to be the most active in the entire history of the Security Council. During this period, 87 resolutions were adopted and 68 presidential statements issued. At the same time, the Security Council met on over 400 occasions, if we include both the formal meetings and the plenary consultations, not to mention the meetings of the Council's subsidiary bodies, which were also active, especially the seven sanctions committees.

The Council's work focused on 19 conflicts, some of them extremely complex and far-reaching. Eight of these were located in Africa, four in Asia, four in Europe and two in the Americas. During the same period, the Council oversaw 17 different peace-keeping operations involving approximately 75,000 personnel throughout the world. It also addressed a number of other subjects falling within its competence, including arrangements regarding its procedures and documentation.

As we said at the outset, this should serve as an occasion for the Members of the United Nations to engage in a dialogue with the members of the Security Council, whether permanent or non-permanent. In this context, the Argentine delegation feels that certain fundamental issues of the Council's work during the period in question should be raised.

As to global matters, we would raise the following issues. It is unquestionably clear from the report that the Security Council and the entire United Nations machinery are today deeply involved in resolving those conflicts that threaten peace and security. It is not yet clear, however, whether the present balance in the international system is stable. In spite of this, we cannot very well wait for the system to reform itself or to adapt to whatever new balance may emerge before we decide to act. The magnitude of the problems, such as those in Rwanda and the former Yugoslavia, to mention but these two, requires immediate action by the Security Council.

The various mechanisms of the Secretariat are speedily adapting to suit the new requirements. At the same time, however, certain unwieldy restrictions remain, arising from a lack of human and financial resources. One gets the impression, though, that resources do exist and that what is really involved is an absence of commitment or political will on the part of some Member States, or of appropriate channels for dealing with or resolving the issues.

The Council, in turn, is making use of a series of instruments provided for by the Charter, such as economic sanctions. These require a thorough and innovative analysis in terms of results and effects. In particular, consideration must be given to the impact of these sanctions on the weaker segments of societies upon which they are imposed. In certain cases, it is clear that

the sanctions can respond and be adapted to the objective sought; in others, certain doubts remain. These sanctions, though, are an instrument without which resort to the use of force — which should be a matter of exception — would be more frequent. That is why we need to assess the way in which they are used without minimizing their importance. In this context, we also believe that we must continue to try to implement, in a realistic but effective manner, the provisions of Article 50 of the Charter.

Most current conflicts addressed by the Council are internal in nature. This is apparently at variance with the principle of non-intervention, but most of them, given their military, humanitarian and refugee dimensions, also have serious regional repercussions. The Charter does not explicitly address such cases. However, their consequences on the humanitarian level are of such magnitude that, in today's world, it is particularly difficult to justify the international community's inaction.

In connection with the Security Council's work, I should like to point out the following. For a little more than a year now, the Council has been working systematically on its procedures. To some extent, this has been in response to demands by the general membership that have been heard time and time again in various forums, but also in response to the Council's own needs. Here, we would refer to the activity of the Council's Working Group on Documentation and Other Procedural Matters — which has suggested a whole series of changes aimed at achieving greater transparency in the Council's work. An example of this effort is precisely the new format of the report before us, in which there remains room for improvement. Meetings are now being announced in the *Journal*, which I recall was a proposal originally made by the delegation of Cuba. There has also been a recent unofficial decision of the Council that its President should report periodically to the general membership on discussions held in informal consultations. I might mention the action recently taken by the United Kingdom to promote this procedure.

Another demand that should be heeded is that for greater communication between the Council and the general membership in specific matters that call for it. This debate is a clear example of such communication, but there are other matters of equal importance. In this context, the Council, at the initiative of the delegation of New Zealand and my own, is at present working on the imminent implementation of stable and predictable machinery that will allow for a better flow of communication between troop-contributing countries, members of the Council and the Secretariat. We hope that significant progress will be made on these matters in coming days; this will begin to respond to a need frequently expressed by the Members of the Organization.

The Council generally meets these days in informal meetings that are not explicitly provided for in the Charter. In spite of this, these meetings are clearly indispensable if there is to be a fluid exchange of opinions and views enabling speedy and efficient decision-making.

We have already referred to the matter of transparency and the relationship between the Council and troop-contributing countries. Mention should also be made of the problem of parties to a conflict that are not members of the Council in making their voices heard or stating their positions clearly throughout the exchange of information and the decision-making process. These difficulties can become particularly acute when one of the parties is a member of the Council. The Council must address this issue explicitly in the future.

Having mentioned these specific problems, we should like, lastly, to raise a more general issue, albeit one which is related to what we have already discussed. I am referring to the differing perceptions that sometimes arise between permanent and non-permanent members of the Council regarding certain procedural matters. My delegation believes that it would make the Council's work much more efficient if each side made a genuine effort to understand the other's point of view, within the context of paragraph 1 of Article 24 of the Charter.

We said at the outset that the work of the Council is extremely complex. We have therefore referred only to some aspects of it which we feel require a greater exchange of opinion between the General Assembly and the Security Council. This is a joint undertaking. The appropriate forums are already available, and it is possible to create any new channels of communication that may be considered necessary.

In this context, the Argentine delegation is working actively in the organization of the Summit meeting of the Security Council, proposed by the Secretary-General, over which we will preside in January 1995. We are sure that this meeting will be an appropriate forum for discussing the matters that we are reviewing today.

Finally, what we are discussing here is of great significance. If we do not want any one country to have

to take on the task of guaranteeing peace beyond its borders, we must perfect the collective machinery, letting it evolve in the light of experience and strengthening it on the basis of cooperation.

Mr. Valencia Rodriguez (Ecuador) (*interpretation from Spanish*): After decades of paralysis caused by the ideological bloc confrontation, the increasing dynamism of the Security Council today and its decisive action in certain conflicts over the past three years suggest that the prospects are better for the smooth functioning of the collective security system established by the Charter. The report presented to us today, in compliance with Articles 15 and 24 of the Charter, has special significance.

My comments, which complement those made by the Chairman of the Non-Aligned Movement, of which Ecuador is a member, will be preliminary, as my Government has not had time in the few days since this report was published to carry out an exhaustive analysis of such a voluminous text. My delegation therefore supports the proposal by the Chairman of the Non-Aligned Movement that this matter be kept open on the agenda.

The basic objective of the presentation of the Council's report is to enable the Members of the Organization to assess the work done by the Council, representing the entire membership, and to express their views on how the mandate has been discharged. Regrettably, the text that we have been given does not make it possible for us to carry out this important task.

As other delegations have said, both at this session and in past years, a mere compilation of resolutions and presidential declarations in the Council and a list of documents on various issues does not give enough information for the complete analysis that we need to carry out. The international community needs to know clearly what criteria were used to guide the Council during particularly difficult times. The report, despite recent requests, lacks the information that would enable us to understand the political and legal foundations for the Council's taking a certain course.

We are living at a time when concepts are being redefined. Sovereignty, self-determination, security and sustainable human development are terms that are discussed time and time again in various bodies in this Organization in attempts to clarify their significance and adapt our actions to changing realities. For that reason, while the basic documents and principles of the United Nations remain in force, the international community must know the exact criteria followed by the body with primary responsibility for the maintenance of international peace and security, on behalf of the entire membership, when it takes decisions.

The increased financial cost for States resulting from the growing activities of the Security Council has become well known over the past two years. Our peoples and Governments have a right to know the exact reasons for these new demands.

Effective implementation of the collective security system should be based on the principles of universality and universal applicability. In order for the Security Council's actions to be legitimate and credible, supported by the entire international community, it must be clear that there is no selectivity in its actions. That clarity cannot be achieved by the kind of report that we have before us.

There has been criticism of lax interpretation of legal norms. The Council has a tendency to use Chapter VII of the Charter frequently. There is a lack of clarity over what matters lead the Council to determine that there is or is not a threat to international peace and security. There is a perception that the Council involves itself in matters within the jurisdiction of the General Assembly and the Economic and Social Council (ECOSOC). For these and other reasons, various delegations, including the delegation of Ecuador, have suggested at various times that we should consider establishing a mechanism of constitutional control over this organ. This option, whose possible negative implications my Government is well aware of, will acquire special relevance if the Security Council continues to present reports lacking any analysis of its actions or of the criteria used in its deliberations, especially in informal meetings.

The serious challenges that face the international community must be tackled with clear norms and a consistent, responsible practice by all United Nations bodies. Many of the ideas expressed in this debate and in the debates on equitable representation on and increase in the membership of the Security Council point in this direction. Ecuador hopes that the members of the Council will give due consideration to these questions so that the next report makes it possible for us to view the work of our Organization with renewed optimism.

Programme of Work

The President: A tentative programme of work and schedule of plenary meetings for the months of November and December will be issued tomorrow morning in document A/INF/49/5/Add.2. This addendum supersedes document A/INF/49/5/Add.1. The list of speakers for the items that were not already listed in document A/INF/49/5/Add.1 will be open tomorrow morning.

I should like to point out that this schedule is being issued as early as possible in order to assist delegations in planning their work. For its part, the Secretariat will endeavour to ensure that the relevant documentation is available to delegations ahead of the discussion of any given agenda item. The scheduling of agenda items not reflected in document A/INF/49/5/Add.2 will be announced in due course. I will also keep the Assembly informed of any changes.

Further, I should like to inform members that the announcement of voluntary contributions to the 1995 programmes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East will take place on Tuesday morning, 6 December.

As I mentioned to the Assembly earlier, I hope to follow this schedule as closely as possible so that the Assembly can discharge its responsibilities in an orderly fashion. I therefore appeal to those representatives that wish to submit draft resolutions to do so sufficiently in advance of the date fixed for consideration of items to give members adequate time to examine them.

I should also like to remind representatives that additional time is needed for those draft resolutions involving changes in the programme of work or additional expenditures, since these will require the preparation of a statement of programme budget implications by the Secretary-General. Furthermore, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee will need adequate time to review the programme budget implications of a draft resolution before it can be acted on by the Assembly.

Agenda item 11 *(continued)*

Report of the Security Council (A/49/2)

Mr. Butler (Australia): Quite properly, the report of the Security Council to the General Assembly is the occasion for an important debate. As we take up that debate this year, we all are aware that questions of expansion of the Council, related and deeper issues, and issues shaping the future roles of the United Nations are being considered elsewhere, so our focus today is on the report of the Council to the General Assembly for the past year.

It is our view that, if there is a central point to be made from this report, we should acknowledge that in recent years, there has been a growing and expressed concern about the need to improve the briefing procedures, working methods and practices of the Security Council. There have been many calls for improved mechanisms for communication and consultation between the overall membership of the United Nations and the Security Council. It is right, therefore, to ask, in the face of so many calls: What has happened? What does this report reflect in answer to that question?

My delegation can say that there have been some improvements. We see positive examples of instances in which the Security Council has listened to Member States and has sought to respond to calls for change. Accordingly, some initial steps have been taken by the Council to improve the transparency and accessibility of its deliberations. These have been constructive steps. Indeed, these efforts should be seen in the context of the unprecedented number of situations to which the Council is called upon to respond, and in the context of the increasing frequency - indeed, the virtually continuous nature - of its deliberations.

In our view, it is simply courteous, as a consequence of these facts, to give recognition to the progress that has been made over the last year by the Council in adopting some changes to its working methods. In that sense, the old principle that credit should be given where credit is due should be applied on this occasion.

We hope that this positive experience will lend support to further and continuing efforts to reform the practices of the Council and to foster further improved mechanisms of communication between the Council, Member States and the General Assembly. Many delegations have made the point that more is needed in this respect.

One obvious example of where progress has occurred is in the availability and the substance of this

year's report of the Security Council to the General Assembly. To put it simply: last year's report was extremely late; this year's report is more timely.

Now what can be said more specifically of this year's report? In its present form, it provides a useful and comprehensive compendium of documents relevant to the Security Council deliberations and of action then taken by the Council. As others have pointed out, this is certainly useful and of academic interest. But it could be made more than that, and there are many calls for it to contain a greater degree of analysis, for it to move beyond being a document of record, no matter how precise or how full. Those calls should be addressed.

In addition, a new and significant chapter has been added to part II of the report, entitled "Other matters considered by the Security Council". Chapter 28 of the report, entitled "Documentation of the Security Council and related matters", is clear and further evidence that the Security Council has given consideration, over the past year, to how to improve some aspects of its working methods and mechanisms for communicating its deliberations to the General Assembly. My delegation welcomes these developments, and we would strongly encourage further action in the same direction.

By comparison, however, we would call attention to part III of the report, dealing with the work of the Military Staff Committee. Last year's report contained the following explanation of the activities of the Military Staff Committee:

> "The Military Staff Committee, established pursuant to Article 47 of the Charter of the United Nations, functioned continually under its draft rules of procedure during the period under review. It held a total of 26 meetings and remained prepared to carry out the functions assigned to it under the terms of Article 47". *(A/48/2, p. 421)*

That is, at best, hardly a revealing statement. But what is truly fascinating about this year's report is that precisely the same statement is repeated under the heading, "Military Staff Committee".

If all the report can tell Member States about the Military Staff Committee's activities is that the Committee is prepared to carry out its functions, then we cannot be chastised for being too demanding when we ask ourselves how to improve the functioning of the Military Staff Committee and its relationship to the Council and to the wider purposes of the Charter.

We need to continue to address ongoing improvements to the working methods of the Council. We should look seriously at the proposals and suggestions already offered by a number of Member States. An outstanding example is the proposal put to the Council by the Permanent Representatives of New Zealand and Argentina, to be found in document S/1994/1063, which deals with the need for consultations with interested States, especially troop-contributing countries. Early and positive action should be taken on that proposal.

In our review of the report of the Council, this very important area of the life of our United Nations, it must be remembered that, according to Article 24 of the Charter, the Security Council acts on behalf of Member States — all of us. It therefore makes good sense for the Council to be responsive to the views of Member States on its operations.

Let it be clear: Article 24 clearly implies a two-way flow of information. More information should flow out of the Security Council to the wider membership on all aspects of the Council's work, but there must also be a flow into the Council from the whole community it serves. The Council should be prepared to listen to, receive and act upon such information, because its role as an effective body representative of us all demands no less.

A key example of a procedural form that would be effective is the establishment of an early-warning system to draw the Council's attention to emerging global crises and threats, military or non-military. It should be possible for the Council to meet periodically to consider situations, in the words of Article 34 of the Charter,

> "which might lead to international friction or give rise to a dispute".

Under such a reform, the Council could then look at potential problems not covered by the existing Council agenda. Matters for consideration could be determined by relying on Articles 11, 12, 14, 52 and 99 of the Charter, as well as on the proposals of the Council and of Member States. An early-warning procedure of this sort, on this or similar lines, would enable the Council to take action to assist the peaceful settlement of disputes before problems escalate into armed conflict or a complete breakdown of law and order. A truly modern Security

Council would then, in this sense, become much more involved in preventive diplomacy than ever before.

I began by recalling that this is an important debate, not merely the formal receipt of a report. Some 40 Member States will have taken part in the debate before it has concluded. Our earnest hope for the future health of the Organization is that this debate is being heard.

Mr. Sharma (Nepal): My delegation welcomes the report of the Security Council to the General Assembly, contained in document A/49/2. The report provides a compendium of the Security Council's activities during the last reporting period, and also describes its tasks in the context of increasing new responsibilities. We also appreciate the response of the Council in implementing proposals relating to its working methods and procedures, including the inclusion of its provisional agenda in the *Journal*. It is my delegation's view, however, that these measures do not go far enough in providing analytical insight into the Council's work, as the general membership of the United Nations would have liked to see. In this respect, my delegation fully supports the views expressed earlier by the Chairman of the Non-Aligned Movement.

Under Article 24 of the Charter, Member States have conferred on the Security Council primary responsibility for the maintenance of international peace and security. This provision is based on the understanding that in carrying out its tasks the Council acts on behalf of the membership as a whole. Hence, the Council is called upon to act in a representative manner. An appropriate mechanism for non-members of the Council to contribute their views and share information on the Council's work would only foster the democratic character of the Council and at the same time enhance its effectiveness.

We believe that formal and informal meetings as well as informal consultations should take place to facilitate wider participation of Member States before the Security Council takes decisions. Troop-contributing countries naturally have a vital interest in the assessment and analysis of a situation involving the establishment of peace-keeping operation and its extension or changes of its mandate.

As one of the significant troop-contributing countries, Nepal is concerned about a clear mandate, a realistic time-frame and a correct assessment of the situation in peace-keeping operations. The safety and security of personnel involved is an equally important concern for us. The report of the Council should therefore be able to present a clear picture to help the troop-contributors make their commitments in an informed manner. Such information would be useful to all Member States, but more so to those that do not have the resources to make their own assessments on the ground or that cannot participate in the deliberations of the Council.

Nepal welcomes the concept of arrangements for a United Nations stand-by force to meet the increasing demands of peace-keeping operations. A more transparent manner of operation in the Security Council would help ensure further cooperation from Member States and elicit a spontaneous response from them in this matter.

Member States would also like to see the extent of the involvement of regional organizations in peace-related activities at the instance of the Security Council and their impact in various parts of the globe. A periodic comprehensive report presenting the achievements and problems of peace-keeping operations would also be a welcome development.

The prevailing collegial spirit in the Security Council is a welcome phenomenon. That spirit has enabled the Council to act rapidly and decisively on some issues in recent years. There are important proposals, including those in "An Agenda for Peace", to enhance the mandate of the Council further, to enable it to meet new challenges to international peace and security. Transparency in function and representativeness in composition are important if the Council is to fulfil our heightened expectations.

We are confident that further concrete measures by the Security Council to address the concerns of Member States will only strengthen its role in the maintenance of peace and security.

Mr. Talpur (Pakistan): I am pleased to have the opportunity to speak to the General Assembly on the report (A/49/2) of the Security Council to the General Assembly covering the period from 16 June 1993 to 15 June 1994.

Allow me first of all to welcome the timely submission of the report, which permits the General Assembly to consider it during the first part of its regular session. My delegation would like to thank members of the Secretariat for the hard work they put into preparing the report.

The consideration of the Security Council's report by the General Assembly provides an important and

privileged occasion for the necessary interaction between these two principal organs of the United Nations. This opportunity becomes all the more important in the light of the Security Council's ever-increasing role in the maintenance of international peace and security and the fact that it is taking upon itself an increasing number of functions, some in hitherto-uncharted territories.

We are encouraged by the many improvements in the form and content of the present report, which takes into account many constructive suggestions made in the past by several Member States. Indeed, the report reflects the work done by the Council in responding to the problems related to the international peace and security. The voluminous content of the report is indicative of the need for continued attention and action by the United Nations to face the numerous challenges persisting or emerging on the post-cold-war international scene, challenges which pose serious threats to international peace and security.

Despite several improvements, the content of the annual report of the Security Council needs to be improved even further. It remains basically a compilation of the various communications addressed to the Security Council and the decisions adopted by it. We would like to emphasize that the General Assembly, which is the body with universal representation, must be thoroughly informed of the essence of the Security Council's focus. Article 24 of the Charter provides that Security Council acts on behalf of the Member States of the United Nations. The representative character of the Security Council gives legitimacy to its acts. The interaction between the Security Council and the General Assembly must, therefore, be strengthened. The Security Council should also consider presenting the special reports provided for in Article 24 of the Charter, owing to the Council's ever-increasing involvement in diverse international situations.

My delegation is pleased that since its creation the informal working group of the Security Council to consider suggestions concerning documentation, including the annual report and related matters, has achieved considerable results. In this connection, one of the most useful results is the availability to all Members of the United Nations of the tentative forecast of the Council's programme of work for each month.

We are encouraged to note that the Council's informal Working Group is currently considering new ways to improve the flow of information to non-members of the Council — a subject to which we attach a great deal of importance. My delegation believes that there is an imperative need, not only to improve transparency in the methods and procedures of the Security Council, but also transparency in the relations between the Security Council and the rest of the membership of the General Assembly. This would provide greater legitimacy to the Security Council's actions and would strengthen the confidence of Member States in the actions of the Council.

The Security Council must be encouraged to discuss substantive issues in public meetings. Formal public meetings should not be used merely to formalize decisions previously made in informal consultations behind closed doors. We would hope that the present emphasis on reform would lead to greater openness in the Council's procedures. All reform efforts must be based on the principle of the sovereign equality of all States, enhancing transparency and respect for democratic principles.

Mr. Tsepkala (Belarus)(*interpretation from Russian*): I should like first, on behalf of the delegation of the Republic of Belarus, to express our gratitude to the Permanent Representative of the United Kingdom to the United Nations, Ambassador David Hannay, for his introduction of the report of the Security Council. Thanks to his statement, various aspects of the Council's work, including the scope and complexity of its activities and its *modus operandi*, have been clarified and highlighted, at least in the view of my delegation.

There is no doubt that over the past year the Security Council has done an enormous amount of work. Proof of that is the number of meetings and consultations the Council has held, as well as the announcements made in the *Journal*. The Council has met on virtually a permanent basis because of the need to react to quickly changing situations and to review various peace-keeping operations. Accordingly, a large amount of work has also fallen to the Secretariat offices that service the Security Council.

The delegation of Belarus notes with satisfaction that the working methods of the Security Council have recently seen many changes for the better. In keeping with the wishes of delegations to enhance transparency in the Council's work as expressed at past sessions of the General Assembly, the *Journal* regularly publishes a detailed agenda of Council meetings. The Council's draft report is discussed and adopted by the Council in open session. Through the publication of documents and the participation of Security Council members in press briefings, as well as through consultations with the

chairmen of regional groups, Member States receive more information about plans for the Council's work as well as its actual activities.

We believe, nevertheless, that this information is sometimes insufficient with regard to certain questions, which again highlights the need to reform the Security Council. In our discussion of agenda item 33 my delegation stated its views on reforming that body. We would now like to stress the fact that the Security Council, pursuant to Article 24 of the Charter, acts on behalf of all States Members of the United Nations. That is precisely why it is assumed that decisions taken by the Council, whenever they relate to the maintenance of international peace and security, are in consonance with the wishes and desires of all Member States, including those that are not members of the Security Council. That is the very basis of Article 25 of the Charter, pursuant to which

> "The Members of the United Nations agree to accept and carry out the decisions of the Security Council".

We believe that situations about which decisions are taken involving financial implications that run into many millions of dollars and about which States find out after the fact should be completely eliminated from the Security Council's current practice in the decision-making process. It is precisely in such instances that consultations with States that are not members of the Council could play a very important role, perhaps through the Chairmen of the regional groups. As a result, the members of the Security Council would have absolute confidence that all aspects of resolving a given problem were agreed to by the international community and that the decision taken and its consequences, including financial implications, would be supported by, and would elicit a favourable response from, all States Members of the United Nations.

The delegation of Belarus would like to make a few points about the format of the report before us. The introduction to the Council's report says it is a description of the work of the Security Council for the period under review. In this connection, our delegation would like to draw the Assembly's attention to the fact that, pursuant to Article 15 of the Charter, reports of the Security Council to the General Assembly

> "shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security".

As we understand it, the words "description" and "account" are not at all synonymous. We feel that a report should not be restricted to a mere description of the facts. It should include an analysis of events described, conclusions should be drawn and recommendations should be provided. In fact, this is something we see in practically all cases in which reports are submitted to the General Assembly by organs of the United Nations.

The desire of Member States to have an analytical part included in the text of the reports of the Security Council was repeatedly expressed at the last session of the General Assembly. Unfortunately, that wish has gone unheeded so far. As we see it, the Security Council, acting on behalf of all States Members of the United Nations, must give an account of itself to the General Assembly, and not just give it a description of its work. That is the basis of the close relationship between the two principal bodies of the United Nations and may also be a guarantee that the Security Council will act in the interest of all States Members of the Organization.

In its present format, the report of the Council is a reasonably good reference document on the Council's work, though this comment does not apply to all parts of the report. For example, Part III of the report, on the work of the Military Staff Committee — which is, I believe, the briefest one — consists in the Russian version of literally four and a half lines, and the information about the work of the Committee is limited to indicating that it functioned continually during the period under review and held a total of 26 meetings.

In our view, the next report of the Security Council, as an experiment, could be drawn up in a new format. The report could consist of several interconnected parts, including a descriptive part, a section giving an analytical account and a section on conclusions and recommendations.

Moreover, this year we were not entirely satisfied with the timing of the reports's publication. This 552-page document came out literally a day before the date initially planned for its discussion in plenary. The deferral of the discussion of the question of the report of the Security Council from 26 October to 31 October took place for good reason. We are grateful that delegations got more time to study it, because it cannot be read in just one day, particularly taking into account its length. While understanding that the preparation of the report in

a new, amended form and its timely publication could cause quite a few difficulties, we believe none the less that the desires of Member States should be taken into account and heeded.

The President: We have heard the last speaker in the debate on this item.

May I take it that the Assembly takes note of the report of the Security Council contained in document A/49/2?

It was so decided.

The President: We have thus concluded this stage of our consideration of agenda item 11.

The meeting rose at 12.55 p.m.

United Nations

A/49/PV.50

General Assembly

Forty-ninth Session

Official Records

50th Meeting

Thursday, 3 November 1994, 10 a.m.

New York

President: Mr. Essy ..... (Côte D'Ivoire)

In the absence of the President, Mr. Ansari (India), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda item 45

Question of the Falkland Islands (Malvinas)

The President: I should like to inform representatives that following consultations regarding this agenda item, and taking into account General Assembly decision 48/408 of 16 November 1993, it is proposed that the General Assembly should decide to postpone consideration of this item and to include it in the provisional agenda of the fiftieth session.

May I therefore take it that the Assembly, taking into account decision 48/408, wishes to defer consideration of this item and to include it in the provisional agenda of the fiftieth session?

It was so decided.

The President: The General Assembly has thus concluded its consideration of agenda item 45.

Agenda item 39

The situation in Bosnia and Herzegovina: draft resolution (A/49/L.14/Rev.1)

The President: I call on the representative of Bosnia and Herzegovina to introduce the draft resolution.

Mr. Sacirbey (Bosnia and Herzegovina): At the outset, allow me to congratulate Mr. Essy on his assumption of the presidency of the General Assembly. Even at this early stage of the forty-ninth session, the impact of his commitment and leadership is making its mark.

On behalf of its sponsors, I would like to introduce draft resolution A/49/L.14/Rev.1 entitled "The situation in Bosnia and Herzegovina".

The draft resolution follows the precedent established over the previous two sessions of the General Assembly. It combines promotion of the principles of international law and of the United Nations Charter with encouragement of the pragmatic measures that are necessary to uphold these principles. At the same time, in comparison with its predecessors, this draft resolution is indeed more critical for both peace in the Republic of Bosnia and Herzegovina and the integrity of the principles that bind all of us here in the United Nations.

While aggression, human rights abuses and suffering continue unabated in the Republic of Bosnia and Herzegovina, morality and legality are marginalized more and more each day. In the meantime, peace — even the measures necessary to deliver peace — is further away than ever before.

94-86886 (E)

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Today almost two thirds of our country is under brutal occupation. Over the last five months the last 50,000 remaining Bosnian Muslims and Croats in the occupied territories, mostly older men and women, have been subjected to systematic barbarism and "ethnic cleansing". The suffering, despite the most committed efforts of humanitarian aid workers and the United Nations Protection Force (UNPROFOR), is actually increasing in many parts of our country.

In Srebrenica, which almost two years ago became synonymous with cold-blooded shelling and targeting of civilians, is now subjected to another form of less visible but more calculated brutalization and suffocation. The people of Srebrenica are now denied not only adequate food and medicine, but also essential hygiene and nutrients necessary for survival. With the Serbian forces preventing the outside world from knowing of this new technique of "ethnic cleansing" and slow-motion murder, the civilians are suffering from horrendous diseases not lately seen in civilization, which are brought on by the physical and psychological consequences of being denied salt, detergents, soaps and other essentials. It is as if the Leningrad of the Second World War had converged with a leper colony of Europe's dark Middle Ages.

In the meantime, the mechanisms that have been formally adopted by the Security Council to minimize human rights abuses, suffering and aggression are systematically marginalized and manipulated and conveniently forgotten. Security Council resolutions, such as resolution 770 (1992), which call for the "necessary measures" to deliver humanitarian relief, or even the "safe area" resolutions — Security Council resolutions 819 (1993), 824 (1993) and 836 (1993) — have become relics, as if they had been adopted by the League of Nations and not the United Nations. Similarly, Security Council resolutions meant to uphold international law and the United Nations Charter, which were only recently trumpeted as heralding a new resolve and commitment, are now lying in cold-file drawers, as if in an overflowing morgue of principles awaiting the final burial and eulogy of excuses. Now is the time not only to resurrect the practical and legal mechanisms that are Bosnia's hope, but also to breathe new life into the principles that are taken for granted or too often ignored.

The draft resolution is over 50 paragraphs long, but only two of the paragraphs address the issue of the arms embargo. This is not an arms-embargo draft resolution. It is a draft resolution that espouses key principles, promotes peace efforts, brings hope of success and urges practical measures which may mitigate the consequences of "ethnic cleansing", systematic human rights abuses and deliberately inflicted suffering. And, yes, it does urges the Security Council to give consideration to exempting the Government of the Republic of Bosnia and Herzegovina from the unforeseen and unfair consequences of the arms embargo, as a decisive and overdue step in the search for peace.

Unfortunately, I will have to focus too much of my statement on the matter of the arms embargo, because it is the one element that is most challenged by the detractors of this draft resolution. However, I must remind those present who are prepared to support the legal and moral principles behind the draft resolution that these principles are not self-executing, and, in fact, they may present us with difficult choices.

By the way, we should not be under the illusion that even these principles have universal support from all the Governments that are represented in the Assembly. Some wish to limit the applicability of these principles as a matter of expediency, thereby relegating many of our nations, including the Republic of Bosnia and Herzegovina, to third-class status within the family of nations under the United Nations Charter.

Today it is the Republic of Bosnia and Herzegovina. Yesterday it was Czechoslovakia and Ethiopia, which, through the application of double standards, became the undoing of the League of Nations. Tomorrow it could be almost any one of us.

We would have hoped that the international community would unequivocally come to the defence of our country and put an end to aggression, human rights abuses and the suffering of our targeted civilians. Unfortunately, it has not. If the international community is not prepared to pursue peacemaking, then we must reassert our right and demand to undertake this task ourselves.

We are truly appreciative of the assistance and commitment, particularly the humanitarian relief, provided through the efforts of numerous individuals, non-governmental organizations and countries, as well as the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNPROFOR.

In view of the suffering and needs of others, such as those in Rwanda, we do indeed feel fortunate. At the same time, it appears that some would use this response

as a curse to consign us to an indefinite period of war mitigated by symptomatic relief, provided in the form of humanitarian assistance.

If asked, we are prepared to make difficult choices ourselves. But we are not being asked; instead, we are being told.

Let us be clear. If given the option between the continuing role of UNPROFOR and, on the other hand, the effective lifting of the arms embargo imposed on our Government, we choose the option of directly addressing the continuing root causes and aggression by the lifting of the arms embargo. After all, it is our inferiority in quality and quantity of weapons that has allowed this aggression to be continued and that has necessitated the valuable assistance of UNPROFOR and others to mitigate the consequences of suffering.

We cannot anticipate that the international community will feed us indefinitely, nor do we ask others to fight our battles; but we do expect our right to self-defence to be honoured and our desire to control our own fate to be respected, once and for all.

Some have argued that if the arms embargo against our Republic is lifted we shall soon be subjected to an even greater military might and overrun. This argument overlooks the fact that we were put in the most disadvantageous position at the beginning of the aggression and that our army and civilian population are not now, and have not at any time in the past been, the beneficiaries of either mercy or a restrained Serbian onslaught. This is a risk that once again, regardless, we must decide upon ourselves. It is not something to be ruled upon by others — presumably acting in our interests.

Some now argue that, in fact, the Bosnians are already too strong and that they do not need any more weapons of self-defence. As Bosnia and Herzegovina is a country which is still two-thirds occupied, whose cities, including its capital, are still besieged, whose population continues to be subjected to immeasurable crimes and suffering and whose enemy refuses to accept an internationally sponsored peace plan, it is indeed an escape from reality to argue that we are already too strong.

More to the point, this claim is in contravention of our status as a Member State of the United Nations, of our sovereignty and of our territorial integrity.

Frankly, we suspect that a more cynical philosophy is in play. Some perceive that because the Republic of Bosnia and Herzegovina has legality and morality on its side, while the Serbians have the military might on theirs, there is the symmetry or equilibrium necessary to securing a settlement. I am afraid that our monopoly on legality and morality has merely left us the victims, while the Serbian side has not seen any reason to restrain its military superiority in the context of this perceived equilibrium.

This cynical approach has been a total failure on all counts. Once again we must ask: what kind of United Nations Charter and legal principles is it that we are sustaining if military might is legitimized as a counterbalance to legality and morality in order to coerce people into any settlement?

On 27 September 1994 our President, Mr. Alija Izetbegovic, appeared before this Assembly and offered the compromise that the Security Council should, *de jure*, lift the arms embargo while deferring practical application — de facto application — for six months. In fact, this compromise offer is contained in the text of the draft resolution that is before the Assembly. Our purpose in making it is to maximize the pressure on the Karadzic Serbs to accept and implement the Contact Group peace plan, while allowing more time for the pressure to have its impact before the de facto lifting. We also see this as the most effective means of coordinating the efforts of us all — the Bosnians, the Contact Group, the Security Council, UNPROFOR troop contributors and the rest of the international community — in the search for peace and as a way to minimize the potential unfavourable impact on the humanitarian efforts of UNPROFOR and others.

Unfortunately, our offer was misrepresented as a sign of fear and indecision. Not so. As we have said, given the option, we would be clear about what to do, even if immediate application were at issue. Our compromise offer is a sign that we are committed to exhausting all options for peace and to minimizing potential negative implications.

As part of its plan to bring peace to the Republic of Bosnia and Herzegovina, the Contact Group itself has offered that the arms embargo should be lifted in response to rejection of the peace proposal by the Karadzic Serbs. We accepted the peace plan despite the fact that it demands of us the most difficult — even unjust — concessions. The Karadzic Serbs rejected the

peace plan, believing that they had the means of military force to maintain the occupation and the status quo.

Today we reiterate our offer that the actual lifting of the arms embargo be deferred for six months, but we can no longer be consoled by promises that never materialize and may, in fact, be as unreachable as the end of the rainbow. We would, indeed, agree to further deferment if there were concrete indications of progress towards peace, including acceptance of the Contact Group's peace plan by the Karadzic Serbs.

Once again we ask: when will all the members of the Contact Group, France, the United Kingdom, the Russian Federation, besides the United States, as permanent members of the Security Council, deliver on their commitment finally to lift the arms embargo? They say once again that the time is not yet quite right, that all other options have not been exhausted. But every time they have responded to this question in Security Council debates over the past two years they have said "Not just yet."

We certainly could read more sinister motives into this ever-continuing exercise, but we shall only seek to avoid the indefinite manipulation of our good will and our commitment to peace.

In many of our cultures and nations the rainbow is a symbol of hope. For two and a half years now we have been told that we must follow the path to the end of the rainbow, towards peace. For two and a half years, as peace efforts have been rejected and aggression has continued, we have been told that not today, but maybe tomorrow, it will finally be time to lift the arms embargo on the victim so that we can defend ourselves.

We are tired of chasing the end of the rainbow. In fact, there is not even a rainbow over the Republic of Bosnia and Herzegovina. Bosnia and Herzegovina is still in the midst of a shower of war, "ethnic cleansing", sieges and suffering. Please do not promise us any more fortunes at the end of the rainbow. We just want to put an end to the storm that is overwhelming all of our Republic.

Mr. Razali (Malaysia): The situation in Bosnia and Herzegovina is still the most serious international crisis to have confronted the global community since the end of the cold war. Almost three years have passed, and the carnage and savagery of aggression and "ethnic cleansing" in Bosnia and Herzegovina remain unresolved. Between 200,000 and 300,000 people have died since June 1991, and 2.7 million people have been reduced to being refugees. An estimated 50,000 Bosnian women have been raped by Serbian soldiers in a systematic campaign of humiliation and psychological terror. If the United Nations is truly a place of final recourse for terrorized people and beleaguered nations, should not the United Nations — especially the Security Council — bear some modicum of guilt for these terrible tragedies?

Our debate here today cannot merely express our anguish. Our message to the Serbs, the major Powers and the Security Council should be cogent and clear: that we reject the acquisition of land by force, that perpetrators of genocide and violators of human rights will be brought to justice and that the international community is collectively determined to uphold the rule of law. We must also remind the Council of its obligation, under the Charter, to restore peace and security and of the need for it to reaffirm the inherent right of Bosnia and Herzegovina to self-defence in accordance with Article 51.

The Security Council has adopted more than 63 resolutions on this subject, and the General Assembly has adopted 17 resolutions. But all these resolutions have been like paper admonitions: they have had scant effect on the ground.

We have repeatedly stated that the Security Council can and must act to end this conflict. The Council's inaction on Bosnia and Herzegovina compares miserably with its relatively successful decisions and actions in respect of other parts of the world. Is it lack of capability or resources or is it lack of leadership and political will that has resulted in the failure to use all the necessary means of securing success in addressing the situation in Bosnia and Herzegovina?

On the issue of Bosnia and Herzegovina, it is an open secret that the Council suffers from serious divisions between certain major Powers with their competing special interests. These Powers, while occupying the high moral ground on human rights and democracy, seem to be unfazed by the massive human-rights violations and the acts of aggression and genocide in Bosnia and Herzegovina.

The Special Rapporteur of the Commission on Human Rights, Mr. Tadeusz Mazowiecki, has pointed out that relentless military action by Bosnian Serb forces has turned the areas designated as United Nations safe areas under Security Council resolution 836 (1993) into areas under siege. Indeed, United Nations safe areas,

especially Sarajevo, have been open targets for indiscriminate Serbian artillery and mortar attacks.

It is no wonder, then, that the Serbs continue to openly flout Security Council resolutions. There is absolutely no fear on the part of the aggressors that they will be punished for their violations of international law and human rights. The Serbs have reportedly disarmed and humiliated United Nations troops, taken potshots at them, and stolen heavy weapons held under their guard. In April they even placed some 40 United Nations military observers under virtual house arrest for several days, posting sentries outside their doors. Again and again, they have violated the United Nations proclaimed "no-fly-zone" in Bosnia, as well as the heavy weapons exclusion zones around Sarajevo and Gorazde. They have dragged their feet in meeting supposedly strict United Nations deadlines, have breached cease-fires and have treated promises as tools of deception, not words of honour. Finally, they have with impunity rejected the peace plan proposed by the Western Contact Group.

On 23 September, in a combination of desperate action and political enticement, the Council adopted resolution 943 (1994), which partially lifted sanctions on Serbia and Montenegro. We regard the hasty adoption of resolution 943 (1994) as a major setback to international efforts to secure peace with justice in Bosnia and Herzegovina. It has come at a time when there has been a sharp escalation in Serb-sponsored violence against the Bosnian people, renewed strangulation of Sarajevo and intensification of "ethnic cleansing" campaigns in Banja Luka, Bijeljina and Prijedor.

The Malaysian delegation would like to remind the Council that the forces opposed to the legitimate Government of Bosnia and Herzegovina continue to benefit from Serbia and Montenegro's past and present role in the war, especially the inheritance of Yugoslav National Army weaponry. We cannot ignore the fact that the pursuit of a Greater Serbia was engineered and espoused by the Belgrade regime.

While we welcome Security Council resolution 947 (1994) on the extension of the mandate of the United Nations Protection Force (UNPROFOR) for another six months, we are deeply concerned over the implications arising from the threats made by certain countries to withdraw their troops from UNPROFOR should the arms embargo be lifted. These threats have merely served to embolden the Serbs, who will then remain even more intransigent. The Serbs, with their superior war machine, await United Nations withdrawal to pursue their dream of a Greater Serbia.

At the same time, the Assembly must emphasize that the withdrawal of some troop contingents from UNPROFOR would not end the role of the United Nations in Bosnia and Herzegovina. Indeed, the United Nations should not be contemplating such a withdrawal, considering that there are over 63 resolutions pertaining to Bosnia and Herzegovina that have to be defended and enforced by the Security Council.

In this regard too, we are disturbed by the report of the Secretary-General to the Security Council in which he appears to be making early preparations for the withdrawal of UNPROFOR. We must not leave the Bosnians at the mercy of the Serbs and abandoned by the United Nations. The international community has the moral obligation to remain in Bosnia and Herzegovina. On our part, Malaysia stands ready and committed to remain and continue to participate in UNPROFOR.

We must also express our concern over the so-called impartiality of UNPROFOR in maintaining the status quo, which in the final analysis favours the Bosnian Serbs. UNPROFOR seems to have accepted the Bosnian Serb view that the siege of Sarajevo and the status of its civilian population as hostages are legitimate military counter-measures. It has also given rise to the perception that UNPROFOR fears offending the Bosnian Serbs. Some within the UNPROFOR Command have also chosen to characterize any Bosnian military action as detrimental, rather than as legitimate measures to defend civilian and sovereign interests. Surely, the victims and the aggressors cannot be treated alike by UNPROFOR. A call to maintain the status quo only benefits the Serbs, who occupy through arms and force 70 per cent of the territory. The cause of justice is not served by the argument that preserving the neutrality of UNPROFOR is synonymous with maintaining the status quo. My delegation also cannot understand the new concept of proportional retaliation. What proportional retaliation has the North Atlantic Treaty Organization (NATO) or the United Nations taken over the loss of 200,00 to 300,000 lives and the rape of 50,000 Bosnian women?

We commend the 39,795 peace-keepers and the Governments of the 36 countries which have made contributions. The international community must remain vigilant and reject all insidious efforts to raise questions about certain sections of peace-keepers on the basis of religion. The point should not be missed that the peace-

keepers from developing countries, including the Organization of the Islamic Conference (OIC), come from multicultural and multireligious backgrounds. Please do not insult us by doubting our integrity and our commitment to the cause of the United Nations.

The Malaysian delegation would like once again to underline the courageous decisions taken by the leadership of Bosnia and Herzegovina to find a just and lasting solution. Notwithstanding its difficulties with the Western Contact Group's peace plan, it has accepted the plan for the sake of peace and the end of human suffering. On 27 September 1994, in this very Assembly, President Alija Izetbegović made the brave decision of proposing a deferment of six months before the arms embargo on Bosnia and Herzegovina would be lifted, going the last mile for peace.

The Security Council has begun informal consideration of specific action, well overdue, to ensure that the arms embargo is no longer applicable to Bosnia and Herzegovina. The United States has initiated this welcome move. We applaud the United States for taking the lead in this initiative.

We wish to take this occasion to call on the Assembly to give overwhelming support to the Security Council's draft resolution on this move, so as to facilitate positive consideration in the Council. This is the time for the General Assembly to make its voice heard to support the right of self-defence of a beleaguered nation. It is our hope that, unlike the June 1993 meeting, the forthcoming Council meeting will endorse the draft resolution seeking the lifting of the arms embargo against Bosnia and Herzegovina.

At the same time, we want to make an open appeal to all the members of the Council, both permanent and non-permanent, to support the draft resolution. My Government in particular appeals to China and non-permanent members, such as New Zealand, Brazil, Argentina, and the Czech Republic, and other non-aligned members, to ensure that Bosnia and Herzegovina is no longer unjustly deprived of its inherent right to self-defence, as enshrined in Article 51.

Malaysia fully supports the efforts of the Special Coordinator for Sarajevo under Security Council resolution 900 (1994). The Government of Malaysia has to date contributed $1,050,000 to the United Nations Trust Fund for the Restoration of Essential Public Services in Sarajevo and Malaysia also participated in the first conference of donors to the action plan, held in Vienna on 20 September 1994. We hope that the Special Coordinator will be in a position to begin the first phase of the plan related to the urgent needs before the beginning of winter so as to restore normal life to the people of Sarajevo. We wish to appeal to the international community to support and mobilize resources for the reconstruction and rehabilitation of the Republic of Bosnia and Herzegovina.

In conclusion, my delegation would like to appeal for the widest possible support for the General Assembly draft resolution on Bosnia and Herzegovina, in the name of humanity and the rule of law. The General Assembly, representing the will of the international community, cannot ignore the pleas and plight of the Bosnian people. The General Assembly must, following our debate, send a clear and categorical message to the Security Council, the major Powers and the aggressors. If the Council fails to fulfil its Charter responsibility, then the general membership may have no choice but to request the convening of a special session of the General Assembly on Bosnia and Herzegovina.

The President: I should like to propose that, if there is no objection, the list of speakers in the debate on this item be closed at 11 a.m. today.

It was so decided.

Mr. Khoshroo (Islamic Republic of Iran): The unprovoked armed attacks and continued Serbian aggression against the Republic of Bosnia and Herzegovina, along with the continuation of the plight of the Muslim people of that country, have made it imperative for the General Assembly to discuss the situation in Bosnia once more. Since last year we have witnessed quite a number of positive and, unfortunately, negative developments. While the Government of the Republic of Bosnia and Herzegovina has shown the utmost flexibility and a spirit of conciliation and accommodation, no serious measure has been taken against the continued stubbornness of the Serbs.

The clear act of aggression against the Republic of Bosnia and Herzegovina, a sovereign and independent State and a Member of the United Nations, is in its third year. Since the outbreak of the conflict many resolutions have been adopted by the Security Council, but unfortunately they have not stopped the aggressors from continuing their insanity. Instead, a nation was deprived of its inherent right to individual or collective

self-defence, recognized in Article 51 of the United Nations Charter. Therefore, as a result of the Security Council's inability or unwillingness to shoulder its responsibilities in the face of continued Serbian aggression against Bosnia, the Serbs have remained adamant on the continuation of their genocidal practices in Bosnia and Herzegovina.

Full implementation of the Security Council decisions concerning safe areas and exclusion zones is of vital importance and an element essential to an overall solution. However, the siege of Sarajevo and other Bosnian cities and safe areas has recently been intensified and the safety of the inhabitants of those areas has been seriously endangered by Serb forces. Regrettably, the Security Council has not demonstrated the appropriate resolve to uphold its decisions and to face up to Serbian violence and intransigence. Safe areas must be protected and the United Nations Protection Force (UNPROFOR) should be directed to take the necessary measures in accordance with the relevant Security Council resolutions in this regard. Furthermore, the Security Council should without further delay implement fully its resolution 770 (1992) to ensure the unhindered flow of humanitarian assistance, including the provision of water, electricity and fuel, particularly to safe areas in Bosnia and Herzegovina.

The Government of the Republic of Bosnia and Herzegovina courageously accepted the peace plan. The Government of Bosnia has proved, beyond any doubt, its sincere desire to achieve peace. The Serbian side, on the other hand, rejected the peace plan in practice and defied the will of the international community with impunity. In effect, the Security Council's failure to adopt serious measures to encourage the Serbs to abandon their policy of intransigence and comply with the peace plan sent the wrong signal to the aggressors and their patrons in Serbia and Montenegro. There is ample evidence of the links between Serbia and Montenegro and the Bosnian Serbs responsible for the aggression against, and the massive and gross violations of human rights in, Bosnia and Herzegovina. The fact that the Security Council has rewarded Serbia and Montenegro by easing sanctions despite its support for the Bosnian Serb forces should indeed cause us anguish. The Foreign Ministers of the Organization of the Islamic Conference (OIC) in their meeting last September in New York, noted with consternation the adoption of Security Council resolution 943 (1994) concerning the easing of sanctions against Serbia and Montenegro. Their conclusion

> "...that the adoption of resolution 943 (1994) was premature, untimely and not conducive to efforts for promoting a just peace in Bosnia and Herzegovina"

has now been proved realistic.

Not long ago, when President Izetbegovic addressed the Assembly and introduced his proposal concerning the question of an arms embargo against Bosnia, he again demonstrated the spirit of conciliation and accommodation which has come to be a symbol of the Government of the Republic of Bosnia and Herzegovina. My delegation reiterates its call for the lifting of the arms embargo unjustly imposed on the Government of the Republic of Bosnia and Herzegovina and at the same time welcomes the statement made by President Izetbegovic and supports his compromise proposal. In this context, the Security Council should declare that resolution 713 (1991) is inapplicable to the Government of Bosnia and Herzegovina and should lift the unjust arms embargo against Bosnia in the manner reflected in the proposal of President Izetbegovic. Any decision on the part of the Security Council short of this just demand would definitely embolden the aggressors to commit further crimes against humanity. The Bosnian people should not be threatened with the withdrawal of certain forces of UNPROFOR from Bosnia and Herzegovina. The Islamic countries have expressed on numerous occasions their readiness to offer more troops to UNPROFOR. The Security Council and the Secretary-General should avail themselves of this offer and make the necessary arrangements.

My delegation supported the establishment of the International Tribunal for the prosecution of war crimes committed in the territory of the former Yugoslavia. Now that all delays in the work of the Tribunal have been removed, the judiciary process can proceed. We hope that the Tribunal can, without further delay, conduct its function of trying and bringing to justice those responsible for the perpetration of crimes against humanity in the former Yugoslavia.

In concluding my statement, I should like to reiterate once again my Government's support for the Bosnian Government in its struggle against aggression, genocide and "ethnic cleansing". Upholding and restoring the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina is a shared responsibility of the international community. It is in this context that my delegation is co-sponsoring and strongly supports the draft resolution

on Bosnia and Herzegovina proposed for consideration in the General Assembly. The draft resolution encompasses necessary elements and principles, the adoption of which would illustrate the international community's common stance in opposition to Serbian aggression and intransigence.

Mr. Owada (Japan): Sadly, we are obliged once again to convene here to consider the tragic situation in the Republic of Bosnia and Herzegovina. That its people are facing a fourth winter with little hope of seeing peace restored throughout their country is a profoundly distressing thought. Even with the deployment of United Nations peace-keepers, during the past three years countless innocent lives have been lost and millions of people have been forced to leave their homes. We continue to witness many horrible acts of violence; the massacre in Sarajevo's central market this past February remains particularly vivid in our memory. There are, indeed, ample grounds for despair.

It would be a terrible mistake, however, for the international community to conclude that the situation was hopeless and to give up in resignation, for as we assess developments over the past year we cannot fail to discern that, in fact, some very real progress has been made in Bosnia and Herzegovina. How much worse would the situation be today without the United Nations Protection Force (UNPROFOR) providing its various humanitarian and peace-keeping services? Its efforts have clearly been effective in reducing the level of violence and containing the conflict. Moreover, thanks in no small part to the mediation efforts of the United States, the dispute between the Government of Bosnia and Herzegovina and the Bosnian Croats has ended, and the two neighbouring communities have formed a federation. Nor should we ignore the joint efforts of the United Nations and the North Atlantic Treaty Organization (NATO) in protecting the safe areas, enforcing the exclusion zone, and, as a result, quelling the fierce fighting in Sarajevo, Gorazde, and other cities. Perhaps an even more significant development this year was the formation of the Contact Group, whose territorial proposal was accepted by all the parties except, unfortunately, the Bosnian Serbs. And finally, I cannot fail to note the decision of President Milosevic of the Federal Republic of Yugoslavia to respond to the appeals of the international community to close its border with Bosnia and Herzegovina.

On behalf of the Government of Japan, I should like to take this opportunity to pay high tribute to the Security Council, the contact group, the International Conference on the Former Yugoslavia (ICFY), and the United Nations High Commissioner for Refugees (UNHCR) for their dedicated efforts to restore peace to Bosnia and Herzegovina and to provide humanitarian assistance to its people. Also, UNPROFOR personnel and the troop-contributing countries deserve our particular gratitude and admiration.

Of course, the situation is exceedingly fragile, and a great deal more remains to be done. But I feel it is important to recognize the accomplishments that have been achieved through the consistent and unified efforts of the international community so that we may be inspired to build on this progress and persevere in the months to come.

In September 1994 the Security Council adopted resolutions 942 (1994) and 943 (1994), which tightened the economic sanctions against the Bosnian Serbs and partially lifted the sanctions against the Federal Republic of Yugoslavia. If Yugoslavia fulfils its obligations during the initial 100-day period, the possibility could be considered of easing the sanctions even further. These resolutions should serve the purpose of sending a strong signal that those who reject peace will be isolated, while those who cooperate in the peace process will receive international recognition. On the basis of this approach, which has Japan's wholehearted support, the Bosnian Serbs should be made aware that they may find themselves utterly alone in the international arena, without expectations of aid or comfort from any quarter. We strongly urge the Federal Republic of Yugoslavia to continue to cooperate with the international community, and to use its influence in persuading the Bosnian Serbs to do likewise. Moreover, Japan regards the mutual recognition of international borders to be the most urgent prerequisite to further progress towards peace.

The Security Council recently extended the mandate of UNPROFOR for another six months. Because the future of UNPROFOR beyond that point is shrouded in uncertainty, a lack of significant progress at this time could have very grave consequences. Indeed, this may be the best and the last chance for us to achieve a just and enduring settlement. But the months are slipping by very quickly; the international community, united in its approach, must redouble its efforts to facilitate a peaceful solution.

In that context, Japan believes that the question of lifting the arms embargo poses a serious problem in this situation. The utmost care will have to be exercised on

this matter in the face of a very real danger that this step could escalate the fighting beyond our control, as well as jeopardize the safety of UNPROFOR personnel.

Japan maintains an unshakeable conviction that the conflict must be settled through negotiations; only then will peace take a firm hold and endure throughout the territory and among all its inhabitants. At the same time, Japan places great emphasis on the importance of preventive diplomacy and humanitarian assistance. Thus, last month, Japan pledged $20 million for the humanitarian activities of the UNHCR in the former Yugoslavia.

The reconstruction and restoration of Sarajevo is another major concern. We in Japan are doing our utmost to ensure that the urgent needs of its people are met before the hardships of winter set in.

I have stressed in my remarks the importance of strong and consistent international efforts. However, in the final analysis, it is the people and the leaders of Bosnia and Herzegovina who alone can determine the fate of their country. It is essential that all parties in that troubled region direct their efforts towards the achievement of a comprehensive negotiated settlement. I hope that they will be strengthened in that endeavour by the knowledge that they can depend on the international community for encouragement, guidance, and moral as well as material support.

Mr. Samhan (United Arab Emirates) *(interpretation from Arabic):* At a time when the end of the cold war raised hopes that international relations would be conducted in a climate based on peace, security, coexistence, development and the resolution of disputes between States by dialogue and peaceful means, we find that the situation in Bosnia and Herzegovina continues to deteriorate and become ever more complex, particularly with regard to the flagrant violations of human rights perpetrated by the Bosnian Serbs against the people of Bosnia and Herzegovina.

Those violations include all forms of savage extermination, "ethnic cleansing", indiscriminate bombing, destruction of property, the starving of the population, the dispersal of populations, laying siege to towns and refugee camps, in contemptuous defiance and in disregard of every international resolution, with total impunity from any serious consequences.

Notwithstanding the many international resolutions and presidential statements in the Security Council on this issue, we find that the international community continues to be unable to shoulder its responsibilities and to put an end to this flagrant aggression against the people of Bosnia and Herzegovina, an aggression that threatens not only the Balkan region but international peace and security as a whole. Consequently, the international community cannot, in this day and age, turn a blind eye to such practices or sit on its hands and fail to take effective and firm action to put an end to the Bosnian Serb aggression and to eradicate its consequences.

The delegation of the United Arab Emirates finds that the international measure taken recently by the Security Council in relaxing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) has ignored the position of that party in support of the Serb aggressors in return for purported promises to close borders to the Bosnian Serb side. All international reports and every piece of evidence show that such promises were not serious, since weapons continue to reach the aggressor on whose side mercenary elements from Serbia and Montenegro continue to fight.

My delegation believes that if the international community must take this new attitude *vis-à-vis* the Federal Republic of Yugoslavia (Serbia and Montenegro), such an attitude should be accompanied by stringent measures designed to avoid rewarding the aggressor at the expense of the victim. Such measures should include strict monitoring arrangements by an effective international observer force to stem the flow of arms to the Bosnian Serb aggressors across the common border between Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro). In addition, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) must officially recognize the Republic of Bosnia and Herzegovina within its existing internationally recognized borders and comply with relevant international resolutions to deliver criminals to the International Tribunal. Pressure must be brought to bear also on the Bosnian Serb party to accept the peace plan of the Contact Group, which has been supported by the United Nations and accepted by the Government of Bosnia and Herzegovina.

The Government and people of my country have continuously voiced deep concern over the deteriorating situation of the population of the Republic of Bosnia and Herzegovina, and particularly of that country's Muslim population. We have expressed our anguish at the continuing acts of aggression by the Bosnian Serbs against that population, acts that have targeted also

elements of the United Nations Protection Force (UNPROFOR) and humanitarian aid convoys. We express to the Government of Bosnia and Herzegovina our full support and reiterate our strong condemnation of the Serbian aggression. We also wish to renew our call for ensuring full respect for the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina, in accordance with relevant United Nations Security Council resolutions. The international community must not fall prey to tactics of cheap bargaining. With this in mind we call on the international community, as represented in the Security Council, to reconsider the manner in which it has been dealing with the current situation in Bosnia and Herzegovina and to consider the adoption of more effective measures to achieve a just and lasting settlement to the crisis that would be consonant with the letter and spirit of the Charter and that would not reward the aggressor. Any such settlement should be based on full and unconditional implementation of the rules of international legality and should result in putting an end to the siege and aggression that now plague the territory and the populace of that state member of the United Nations.

In light of the failure so far of every international diplomatic effort to reach a lasting political solution to the situation in Bosnia and Herzegovina, my country renews its call to the General Assembly, and in particular to the permanent members of the Security Council, to seek a just solution to this crisis through the following measures:

First, the setting up of clear-cut and definitive mechanisms to force the Bosnian Serb forces to withdraw from all the territories they have occupied, in accordance with the international peace plan;

Second, allowing the Government of Bosnia and Herzegovina to exercise its legitimate right to self-defence, a right enshrined in Article 51 of the Charter, which requires the lifting of the arms embargo imposed on that Government;

Third, strengthening the prompt use without prior warning of air strikes by the North Atlantic Treaty Organization (NATO) to deter violations by Serbian forces;

Fourth, amending the mandate of UNPROFOR and providing it with greater competence so that it may perform a more effective role in providing international protection to civilians and securing the movement of humanitarian assistance convoys. In this connection, all pertinent Security Council resolutions must be implemented, especially those concerning the cease-fire, and forcing the Bosnian Serbs to accept the international peace plan;

Fifth, supporting and intensifying international efforts to provide essential humanitarian assistance to the population of Bosnia and Herzegovina, along with the necessary measures to enable displaced persons and refugees to return to their homes in keeping with the provisions of relevant Security Council resolutions.

In conclusion, we reaffirm once again that a just, comprehensive and lasting solution to the situation in Bosnia and Herzegovina can be reached only through the aforementioned measures, which would lead to a just and lasting political settlement and enable the people of Bosnia and Herzegovina to regain their sovereignty over all their land within secure and internationally recognized borders. Proceeding from this, the United Arab Emirates has co-sponsored draft resolution A/49/L.14/Rev.1 which is now before the Assembly.

Mr. Sirait (Indonesia): Ever since the eruption of the conflict in Bosnia and Herzegovina we have witnessed the violent and forcible subjugation of a Member State of our Organization. This horror has continued in all its intensity during the past year, with wide-ranging ramifications not only for the future of that Republic, but also for the Balkan region and beyond. This escalation and the resulting deterioration of the situation fully reflect utter defiance of the international community and its decisions, as well as a blatant violation of international humanitarian law.

In this context, Indonesia, together with other non-aligned countries and members of the Organization of the Islamic Conference, has consistently endeavoured to seek a speedy, negotiated settlement on the basis of the Charter and of the resolutions adopted by this Assembly and the Security Council. We are gravely concerned that a continuation of this unequal war may lead us to a new threshold with potentially disastrous consequences, as Bosnia faces the bleak prospect of the forcible dismantling of its multi-ethnic, multi-cultural and multi-religious society, the brutal decimation of its people and the gradual diminution of its independence and sovereignty.

We need recall only that earlier peace plans collapsed, and that the latest, by the five-nation Contact

Group, represents the third attempt to seek a negotiated settlement of the conflict, which has already taken a horrendous toll in human lives and material devastation. That plan calls upon the Bosnian Serbs to relinquish only parts of the Bosnian territory they overran. It apportions to the aggressor large chunks of territory whose previous Muslim majorities have either been killed or driven into exile, which would necessitate the return of Bosnians to areas in which they would now be minorities. It even cedes parts of Eastern Bosnia to those who committed the crime of genocide. Although the plan is seriously deficient and offers the agony of dismemberment, the Government of Bosnia and Herzegovina, which initially steadfastly opposed the redrawn map, has reluctantly agreed to such a division. However, it has done so conditionally as part of a comprehensive agreement that would end the war and in the hope that the injustice in the plan can be redressed once peace is restored.

Rather than responding positively to Bosnia's principled and conciliatory position, the Bosnian Serbs rejected the peace proposals, initiating a new phase in the Bosnian war and even raising the dangerous spectre of renewed carnage. Indeed, we have witnessed a steadily escalating reign of terror, a new phase of "ethnic cleansing" and the opening of major assaults against isolated Muslim enclaves. The siege and strangulation of Sarajevo have continued. "Safe areas" and exclusionary zones are being violated with impunity. Meanwhile, the repatriation of hundreds of thousands of refugees and a disturbing increase in displaced persons have further aggravated the already deteriorating situation.

In the midst of a period of profoundly dismal prospects for an end to hostilities, we are dismayed and disappointed at the recent decision by the Security Council to ease the sanctions against Serbia, an easing which we regard as hasty and premature. Although Serbia has assured the international community that it no longer supports the war efforts of its surrogates in Bosnia and Herzegovina, doubts remain concerning its seriousness about abandoning the Bosnian Serbs to their fate. Given Belgrade's record of duplicity, strict monitoring of the Serbian-Bosnian border is imperative.

Mr. Sucharipa (Austria), Vice-President, took the Chair.

The continued refusal to allow Bosnia and Herzegovina to defend itself and to protect its people from being slaughtered cannot but be regarded as a denial of the Charter right to individual or collective self-defence. It has been self-evident that aggression has been sustained in Bosnia by the infringement of this right. Notwithstanding this, the Bosnian pleas for effective international intervention, or at least the lifting of the ill-conceived arms embargo, have gone unheeded. The consequences of a continued arms embargo for both the aggressors and their victims ensure that atrocities and senseless killings will continue unabated. In the face of unspeakable horrors, the people of Bosnia have no choice but to defend themselves. My delegation has consistently called for the lifting of the arms embargo unjustly imposed on the Republic of Bosnia and Herzegovina. In this connection, the offer made by President Alija Izetbegović in his statement to the General Assembly on 27 September 1994, when he asked for the formal lifting of the embargo, with its application deferred for six months, demonstrated once again the Bosnian Government's principled and conciliatory position. It is therefore incumbent upon the Security Council to unequivocally pronounce itself on the non-applicability of its resolution 713 (1991) concerning the imposition of an arms embargo on Bosnia and Herzegovina.

Furthermore, the Security Council should be convened with the aim of addressing as a matter of urgency the current situation in Bosnia and of taking effective measures to implement all relevant resolutions leading to a comprehensive cessation of all armed conflict and the strengthening of the political process. This would include such measures as ensuring the effective lifting of the siege of Sarajevo and other besieged towns, and especially of "safe areas" in order to forestall further unmitigated attacks. In the face of continued intransigence by the Bosnian Serbs, the Council's determined action will make a decisive contribution to ensuring the realization of the latest peace plan. The Bosnian Serbs' persistent refusal, in my delegation's view, would call for the initiation of punitive measures as committed to by the Contact Group. And, taking into account recent developments, the mandate of the United Nations Protection Force (UNPROFOR) should be further strengthened so that it can more fully perform its task. While there is still a clear need to remain vigilant, my delegation is greatly encouraged by the agreement reached last week between the United Nations and the North Atlantic Treaty Organization (NATO), and the actions contemplated therein, which include protection for UNPROFOR activities and exclusion zones and the promise of retaliatory action against further aggression.

In view of the deadlock in the peace process, with its potentially destabilizing consequences, we believe that

the international community should consider devising a mechanism for negotiations, including the convening of an appropriately structured international conference to deal with the wider aspects of the conflict in and around the former Yugoslavia, with the aim of achieving a final and just solution.

As envisaged by the ministerial meeting of non-aligned countries held in Cairo last June, such a conference will be convened under the auspices of the United Nations with the participation of the parties to the conflict; countries contributing troops to UNPROFOR; representatives of the Non-Aligned Movement; the Contact Group of the Organization of the Islamic Conference; the European Union; permanent members of the Security Council; and the Secretary-General. The objectives of the proposed conference are, *inter alia*, the enforcement of an immediate cease-fire and the cessation of all military activities, the expansion of safe areas to include all of the territory of Bosnia, full respect for its sovereignty and territorial integrity, a just settlement of the claims by the parties concerned and a mechanism for implementing the agreement.

In conclusion, Indonesia and other non-aligned countries are firmly committed to the peaceful settlement of disputes. We believe that a renewal of dialogue in good faith is essential to resolving this conflict and that a negotiated solution within the framework of an appropriate international mechanism is still within reach.

The draft resolution before us is in full conformity with the previous resolutions adopted by the Assembly as well as with principles of international law and takes into account relevant developments. In my delegation's view, it calls for unanimous adoption.

Mr. Allagany (Saudi Arabia) (*interpretation from Arabic*): Allow me to begin by paying tribute to the people and Government of Bosnia and Herzegovina for their heroic stand against the genocidal aggression by the Serbs against them and against the culture and heritage of the State of Bosnia and Herzegovina.

For over two years now, the international community, as represented by the General Assembly and the Security Council has continued to stand and watch the tragedy of Bosnia and Herzegovina with the cool aloofness of a doctor dissecting a frog, as though Western civilization forgets all its slogans when it comes to what happens to the Muslims of Bosnia and Herzegovina.

We have seen how the Government of Bosnia and Herzegovina gave up even the principles declared by the Security Council by accepting the partition plan that was proposed by the Western Contact Group. We have seen also how the Contact Group promised to take firm steps if the Serbs of Bosnia and Herzegovina did not accept that plan and have seen how the Security Council hastened to lift the sanctions imposed on Serbia and Montenegro before enough time had passed for the Belgrade regime to prove its good faith and before it had clearly recognized Bosnia and Herzegovina and Croatia. We have seen also how the Serbs rejected the partition plan, and how, in their intransigence and arrogance they continued to defy the international community and to pull the strings if they were puppeteers in a puppet theatre.

Bosnia and Herzegovina had lived for many years in a multi-national, multi-religious and multi-cultural society before the appearance on the scene of a gang of "ethnic cleansing" practitioners whose actions call to mind the atrocities of the Second World War. Here I should like to refer to a conversation with the Grand Mufti of Bosnia and Herzegovina, who reminded that long before people in the twentieth century started talking of plurality, the city of Sarajevo had lived in plurality, with the Muslim mosque, the Christian church and the Jewish temple standing side by side and coexisting in peace.

Although enough resolutions have been adopted by the Security Council to enable the international community to force the aggressors to bow to the international will, the only resolution that the international community insists on implementing is an illegal one that defies the most basic principles of international legality and denies the right of States to self-defence, namely the Security Council resolution that imposed an arms embargo on the States of the former Yugoslavia.

The policy of appeasement that Chamberlain pursued in Munich is very much alive now in dealing with the Serbs in the former Yugoslavia where we find the intellectual heirs of Chamberlain busily pursuing the same foolish policy whose awful results we all know.

It is high time the arms embargo against Bosnia and Herzegovina was lifted. As for the threats by certain European States to withdraw their contingents in the United Nations Protection Force, such threats are tantamount to abandonment by those parties of their international and historical responsibilities, since their presence in the Security Council is not to serve their own

interests but to serve the interests of international peace and security. There are many other countries that are quite capable of sending peace-keeping forces to take the place of those who would feel too terrified to stand up to the aggressors in Bosnia and Herzegovina.

The policy of tightening the noose and violating the safe areas pursued by the Serbs is still very much in evidence. Their policies of "ethnic cleansing", forced migration and incarceration are still in place. And while such policies continue, those responsible for appeasing the Serbs are trying to persuade the international community that it should get used to such practices which are being made a *fait accompli* that is very much in the nature of things. Contrary to all this, the international community should keep alive in the conscience of mankind the reality of the situation and make clear that those who are negotiating on behalf of the Serbs are no more than war criminals who should be dealt with only as such.

We are harangued daily by reports, interviews, press analyses and news stories that try very hard to portray what is happening to Bosnia and Herzegovina as a mere civil war between two communities that are fighting over a piece of land. The ultimate aim is to persuade international public opinion that these two parties are not very different one from the other. Therefore, we have to dot the "i's" and cross the "t's" and affirm yet once again to anyone who may have managed to remain dubious that the war in Bosnia and Herzegovina is a case of flagrant and clear aggression by a hate group that feeds its hate with anachronistic and primitive ethno-religious philosophies. It must have become clear that the state of Bosnia and Herzegovina is the victim of aggression by a foreign State that is trying to overwhelm a nation that has been made defenceless through the lack of arms and that is begging the international community to enable it to exercise its very natural right to self-defence.

It is pointless to go on speaking of incarcerations, imprisonment, rape, forced migration, the starving of a population or of any of those revolting acts perpetrated by the Serb factions in Bosnia and Herzegovina. We declare loudly and clearly that the Muslims of Bosnia and Herzegovina have the same right as any nation in the world to live and to govern in their own homeland. The Muslims in Bosnia and Herzegovina will not apologize for their beliefs, because Islam is a religion of love, peace and coexistence. The beliefs of one group or another became an issue only when the neo-Nazis began propagating their ideas that advocate "ethnic cleansing" and racial purity, ideas we had hoped were trampled under foot by history with the emergence of the United Nations and later, by the eclipse of the racist regime in South Africa.

While we commend the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committee in the Territory of the Former Yugoslavia, we wish to affirm that it is important to continue to prosecute the crimes committed against women, children and the elderly and to punish all the perpetrators of those crimes. Furthermore, any peaceful settlement that may be reached in the future should not absolve those murderers from the judgement of history. The blood of children and the cries of anguish and shame of the thousands of women raped and murdered, call upon us to rise to our responsibilities, lest past and current events in Bosnia and Herzegovina continue to be a stigma of shame on the brow of all humanity.

It is encouraging indeed to see the international community standing firm when it comes to the settlement of conflicts in different parts of the world. However, we must question the silence surrounding the non-implementation of the pertinent and clearly-worded Security Council resolutions on Bosnia and Herzegovina while the news media show us daily many aspects of the tragedy of the Muslims in Bosnia and Herzegovina with the Serbs blockading roads and confiscating humanitarian assistance intended for the sick and the wounded. And on the following day, the media show us the representatives of the United Nations on their knees before the murderers in Pale, appeasing and begging.

The seventh Special Ministerial Conference of the Organization of the Islamic Conference, held in September in Islamabad, Pakistan, issued a declaration that reflects the true feelings of international public opinion regarding the agony of the people of Bosnia and Herzegovina. The Conference affirmed that the arms embargo imposed against the Republic of Bosnia and Herzegovina is illegal, unjust and an impediment to the country's exercise of its right to self-defence. The resolution of the Conference underscores the need for the Member States to assist Bosnia and Herzegovina in its exercise of the right of self-defence in accordance with Article 51 of the United Nations Charter, which provides for such exercise individually or in cooperation with other friendly States.

Security Council resolution 713 (1991) on the arms embargo imposed against the former Yugoslavia applies only to Serbia and Montenegro as it cannot be

implemented against a State that did not exist when the resolution was adopted. In this context, we call upon the Security Council once again immediately to uphold and reaffirm the right of self-defence and to discharge its responsibility for the maintenance of international peace and security. By the same token, we reaffirm the declaration issued by the Ministers of the Organization of the Islamic Conference to the effect that, if the Security Council does not uphold and affirm this right of self-defence, we shall consider ourselves unbound by resolution 713 (1991) and call upon all Member States to assist the Republic of Bosnia and Herzegovina in exercising its right to self-defence.

We have waited very patiently. The farce being perpetrated by the Serbs has become all too repetitious, like monotonous episodes in a sinister soap opera, with the Security Council warning the Serbs, the Serbs prevaricating, the representatives of the United Nations declaring it difficult to take any action out of fear for the safety of United Nations personnel in the Protection Force, as if this Force was sent to ensure that the only victims should be the Muslims. We hope that the Organization, which millions of people trust to uphold what is right and stand up to what is evil, will realize that the time has come to take decisive action to reaffirm its credibility.

Mr. Abdul Momin (Brunei Darussalam): I should like to take this opportunity to congratulate the President on his election. I am confident that he will guide us well.

The situation in Bosnia and Herzegovina remains a challenge to the international community. Various efforts at the international and regional levels have not resulted in any enduring peace and stability in that country. The Bosnian people continues to suffer great hardships.

Brunei Darussalam applauds the efforts of the Bosnian Government to act in good faith by showing its readiness to negotiate and compromise. I refer to the draft resolution before us, in which the Government of Bosnia and Herzegovina is willing to defer for up to six months its intention of seeking the *de jure* lifting of the arms embargo. Brunei Darussalam hopes that the Bosnian Serbs will be able to reciprocate by being more accommodating in seeking a peaceful negotiation. At the same time, Brunei Darussalam appreciates the humanitarian work done by the United Nations Protection Force (UNPROFOR). We see no other alternative to UNPROFOR's continuing to carry out its mission.

On the continuation of sanctions, Brunei Darussalam would like to add its voice to that of the international community in calling for Serbia and Montenegro to recognize the independence and territorial integrity of Bosnia and Herzegovina and Croatia before the sanctions can be lifted.

As far as the protection of the safe areas is concerned, Brunei Darussalam would urge the parties involved to comply with the relevant Security Council resolutions on this issue. While negotiations are going on, we must make sure that civilians are well protected.

In conclusion, to Brunei Darussalam the objective is to guarantee the independence and sovereignty of Bosnia and Herzegovina within its internationally recognized borders. We trust that this is the same basic objective of every Member of the United Nations.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): Since the adoption by the General Assembly of its resolution 48/88, no real progress has been achieved in Bosnia and Herzegovina. Quite to the contrary, the situation has worsened. Civilians continue to suffer, and the historical capital of Sarajevo is under siege time and again. The territories designated by the United Nations as safe areas are no longer safe or protected. International mediation efforts are hamstrung and, as we have noticed, the Government of Bosnia and Herzegovina has accepted all peace plans, including the latest which was proposed by the international Contact Group, whilst Serbia rejected such plans. It is high time the international community distinguished between those who reject and are intransigent, and those who accept. This should be reflected in punishing one side and rewarding the other.

The current situation in Bosnia and Herzegovina makes it necessary for the United Nations to take a firm, resolute and prompt stand. It is obvious that the approach pursued so far in dealing with the problem is not serious. It is a blot of shame on the brow of the United Nations and of the international community as a whole. As the representative of Saudi Arabia has just put it, we are witnessing a sinister and monotonous soap opera that depicts nothing but the total denial of the rights of the Bosnian people. The Security Council and the General Assembly have adopted more than 60 resolutions so far, and none of them has been implemented. What we need to do now is to search for the effective means of enforcing the measures stipulated by the Charter for the implementation of United Nations resolutions, so that we may rectify the situation.

It is now essential to supply the army of the Government of Bosnia and Herzegovina with the defensive weapons that would enable it to exercise its legitimate right to self-defence, a right enshrined in Article 51 of the Charter. That article makes it abundantly clear that self-defence is a natural right of all States that cannot be denied or infringed upon.

The norms of our contemporary society totally reject the principle of collective punishment. Punishment should be the lot of the perpetrator of the crime. The fact of the matter is the arms embargo was applied to Bosnia and Herzegovina in the context of the embargo imposed on the components of the former Yugoslavia. Thereafter certain developments took place and led to the application of the embargo to Bosnia and Herzegovina alone. The upshot has been that Bosnia and Herzegovina, the victims of aggression, has become the party that is deprived of the right of self-defence as it cannot obtain the necessary military means to exercise that legitimate right. It is therefore high time the Security Council rectified this unfair situation with courage and logic by declaring the non-applicability of resolution 713 (1991) to Bosnia and Herzegovina.

Egypt's delegation wish to commend the diplomatic efforts deployed by the international Contact Group. We have always welcomed consultation and cooperation between the Group and the Contact Group of the Organization of the Islamic Conference concerning the situation in Bosnia and Herzegovina. Having said this, we must call on the Contact Group to honour the undertakings it took upon itself in the proposed peace plan, with its complementary measures which the Contact Group affirmed would be enforced against the party that rejects the plan. Those measures included the lifting of the arms embargo.

Therefore, in the light of Serbia's rejection of the new peace plan that was accepted by the Government of Bosnia and Herzegovina, and in view of the fact that President Izetbegović of Bosnia and Herzegovina demonstrated the required flexibility which the international community should appreciate, by declaring before this General Assembly acceptance of the extension of the embargo for a further six months, the Security Council cannot be complacent and refuse to take this long-awaited step, namely the lifting of the arms embargo in order to enable Member States to provide the necessary assistance to Bosnia and Herzegovina so that it may exercise its legitimate right to self-defence.

The United Nations Protection Force (UNPROFOR) in which Egypt participates exerts concrete efforts that we appreciate. We should like to affirm once again the importance of amending the mandate of UNPROFOR so that it may be able to provide genuine protection both to the territory and to the inhabitants of Bosnia and Herzegovina and not simply to escort and secure the convoys of humanitarian assistance. We must point out also that as UNPROFOR has been deployed in the safe areas and as those areas have been demilitarized in accordance with Security Council resolutions, it is not logical to threaten to withdraw UNPROFOR, as such withdrawal would create a power vacuum which is bound to encourage the aggressor, with his military might, speedily to take control of such areas. Therefore, the delegation of Egypt affirms once again that UNPROFOR should continue to carry out its mission in full, until such a time as the army of Bosnia and Herzegovina is enabled effectively to defend the territories of Bosnia and Herzegovina.

The delegation of Egypt supports the efforts of the civilian Coordinator in Sarajevo. In this context, Egypt has decided to contribute to the rehabilitation of Sarajevo with a team of experts and technicians, to the tune of 1 million United States dollars. Contacts regarding this contribution have been initiated, both with the United Nations and the authorities of the Government of Bosnia and Herzegovina.

In conclusion, Egypt, as one of the sponsors of draft resolution A/49/L.14/Rev.1, calls upon the General Assembly to adopt the resolution unanimously, as an expression of international support for the people and Government of Bosnia and Herzegovina in their present plight.

Mr. Abulhasan (Kuwait) (*interpretation from Arabic*): We meet today at a time when the plight of the people of Bosnia and Herzegovina has reached a new high as a result of the war of liquidation and abhorrence to "ethnic cleansing" waged by the Bosnian Serb forces with the support of Serbia and Montenegro.

Since the Second World War, the world has witnessed many cases of brutal aggression, one of which was the aggression by the Iraqi regime against my country, Kuwait. We have seen many instances of the violation of human rights, many of which have been savage indeed. However, never before have we seen a more atrocious combination of aggression and genocide as that which continues unabated in Bosnia and

Herzegovina under the eyes of the international community.

It is ironic indeed that such a tragedy should take place in a continent that prides itself on its commitment to human rights, international legality and human justice.

A few weeks ago, the Assembly heard an address by His Excellency Mr. Alija Izetbegović, President of Bosnia and Herzegovina, who put before our eyes a true picture of the continuing grave situation in his country.

The fair-minded international community that realizes the gravity of this human tragedy and its consequences must have noted the bias that is quite apparent in the handling of this question. We are extremely concerned over the situation regarding the United Nations Protection Force (UNPROFOR) stationed in the Republic of Bosnia and Herzegovina. We share the concern of the Government of Bosnia and Herzegovina that the mandate and activities of that international Force could aggravate the threat of perpetration by the Bosnian Serbs of acts which cannot be deterred, and which, at times, are marginalized or even ignored.

Fortunately, the implementation of Security Council resolutions 824 (1993) and 836 (1993), on the establishment of safe areas through the concept of the exclusion zone imposed by forces of the North Atlantic Treaty Organization (NATO), has changed the situation somewhat. The exclusion zone is a practical embodiment of the concepts of military deterrence and military response that go into the proper definition of a safe area. However, this has been redefined by UNPROFOR through its own interpretation of its mandate. UNPROFOR has begun to define any Bosnian Government military action in defence of the interests of the civilian population and of its own legitimate sovereign interests as a harmful act while the Bosnian Serbs' use of heavy weapons inside the exclusion zone is passed over in silence as a "necessary" act for the Bosnian Serbs in maintaining their military edge and maintaining the status quo.

In our view, this artificial self-defined mandate of UNPROFOR's ignores the facts on the ground and does not differentiate between the perpetrator and the victim. Indeed, the roles have now been reversed, so that the victim has been cast in the role of the perpetrator. We hope the Security Council will consider the request by the Government of Bosnia and Herzegovina that UNPROFOR should halt any mandate or activity that runs counter to the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, and that contravenes the Charter and the relevant resolutions of the United Nations.

We have perused the first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which has been presented at this session. I wish to thank the President of the Tribunal, Mr. Antonio Cassese, and all the members of its three Chambers for their valuable report. The establishment of the Tribunal, a new experimental body, is indeed a significant step forward for the international community.

The United Nations now has an impressive corpus of international norms making it incumbent upon States and individuals to act in a humane fashion. The establishment of the Tribunal is a test of those norms and of whether they can truly be enforced and translated into a living reality. The Tribunal is unique in modern history. It is the first criminal court to be created by the United Nations; the only analogous bodies were the two international military courts that sat in Nuremberg and in Tokyo. The establishment of the Tribunal was a juridical response to the crimes against humanity and the war crimes perpetrated in the former Yugoslavia, in violation of the most basic tenets of humanitarian law. In 1948, the International Court of Justice stated that basic humanitarian considerations are more relevant in time of peace than in time of war. It is hoped that the Tribunal will promote the protection of those basic humanitarian considerations.

Humanitarian organizations and the international media confirm that areas under Bosnian Serb control continue to be subjected to the most violent waves of "ethnic cleansing". On 21 September 1994, more than 3,000 Muslims and Croats, including elderly and disabled persons, were brutally driven out of their homes and forced to flee to territory controlled by the Government of Bosnia and Herzegovina. In mid-July 1994, more than 10,000 Muslims and hundreds of Croats, including elderly and disabled people, were forced to flee. The International Committee of the Red Cross has officially confirmed that "ethnic cleansing" is now entering its final phase in many areas, including Bijeljina and Banja Luka.

The report (S/1994/674) of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992 reviews a whole

gamut of grave violations of the Geneva Convention and the First and Second Protocols. The report states that as a result of the attacks on towns and villages such as Prijedor, unarmed civilians — not Serbs, of course — have been killed by the hundred, if not by the thousand, in their homes. The report also confirms the emergence of certain patterns in the camps established by Bosnian Serbs, including the creation of special camps for "ethnic cleansing", the killing of detainees on a daily basis, and the systematic use of rape as a weapon of "ethnic cleansing" and of humiliating Muslims.

The Bosnian Serbs continue to reject the peace plan proposed by the Contact Group. This can only prolong the plight of the people of Bosnia and Herzegovina. Bosnian Serb forces continue to refuse to lift their siege against Sarajevo and many other cities and towns in the republic of Bosnia and Herzegovina. Those forces also continue to defy United Nations peace-keeping forces. They continue to defy the resolutions of the United Nations. In all this, they have been encouraged by what they have perceived as impotence on the part of the international community, and particularly the European countries, which bear a direct responsibility for the enforcement of the sanctions and other measures necessary to end Serb aggression.

The tragedy in the Republic of Bosnia and Herzegovina is a historic challenge to us all. The international community, which has stood by as a mere spectator of the war of extermination waged against Bosnia and Herzegovina, must shoulder the responsibility of providing the Bosnian Government with all necessary means to maintain a viable State with a democratic, multicultural society. Any potential peace agreement must also provide the means for effective implementation of the provisions of such agreement.

Consequently, any final settlement must include international guarantees for the security of Bosnia and Herzegovina in the future. In the light of the Serbian aggressors' continuing trampling of international resolutions, the United Nations must begin to implement the concept of collective security called for by the founding fathers of this international Organization. It is a concept that should have been implemented in Bosnia from the very beginning of the crisis.

The international community, and particularly the Security Council, must provide the necessary guarantees to make it possible to remedy the continuance of the tragic situation in Bosnia. This must be done by declaring the entire Republic of Bosnia and Herzegovina a "safe area" and by deploying international observers with a broad clear-cut mandate and credible force along Bosnia's borders.

Serbia and Montenegro's recognition of the Government of Bosnia and Herzegovina is an essential prerequisite for consideration of the lifting of the sanctions against them. Serbia and Montenegro must make a full commitment to a complete implementation of all relevant Security Council resolutions. United Nations forces are called upon to defend the "safe areas" in an effective manner that will serve as a deterrent.

The Bosnian Serbs' continuing rejection of the peace plan proposed by the Contact Group makes it necessary to lift the arms embargo against the Muslim Republic of Bosnia and Herzegovina in order for it to be able to exercise its legitimate right to self-defence, as enshrined in Article 51 of the United Nations Charter. The continuing imposition of an embargo on the victim while the aggressor's power continues to be strengthened runs counter to the provisions of the Charter and to the most basic rules of justice.

The human tragedy of the people of Bosnia and Herzegovina has no precedent in contemporary history. The people and the Government of Kuwait, in sympathy for the people of Bosnia and Herzegovina in their suffering, has provided and continues to provide them with humanitarian and material assistance. We hope that such assistance will mitigate their suffering.

However, mitigating the suffering of the people of Bosnia and Herzegovina is not all that is needed and is not the solution. The international community must rise to its responsibility by protecting the people of Bosnia and Herzegovina and enabling that people to defend itself. While the people and the Government of Kuwait salute the steadfastness of the Muslim heroes, we pray that God will raise their banner in victory and restore their rights and may peace prevail as in the Holy Koran:

"If God helps you, none can overcome you." (Suza III, verse 160)

Mr. Graf zu Rantzau (Germany): I have the honour of speaking on behalf of the European Union.

It is the common objective of the States members of the European Union to achieve the strongest possible pressure to end the war and tensions in Bosnia and Herzegovina through a political settlement. Our debate

today on the situation in Bosnia and Herzegovina offers the opportunity to focus on those elements which may strengthen the peace process in the coming months.

In the process we should be guided by a realistic perspective that could help the international community to bring an end to the war and to the massive, gross and systematic violations of human rights in Bosnia. We call for strict respect for human rights and demand, in particular, unimpeded access for the representatives of the International Committee of the Red Cross (ICRC) and other humanitarian agencies to the detention camps.

In particular, we condemn the "ethnic cleansing" which the Bosnian Serbs have systematically carried out in the areas under their control. Those responsible must be held personally accountable. We stress again the importance of the work of the International Tribunal set up for the punishment of all war crimes in the former Yugoslavia.

The peace plan of the Contact Group presented to the parties has been supported by the whole international community and accepted by all sides except one. It remains on the table without any modification.

We welcome the courageous decision of the Government of the Republic of Bosnia and Herzegovina to accept the peace plan. We again condemn the rejection of the peace plan by the Bosnian Serbs. That decision has resulted in their complete political isolation. There can be no political talks or negotiations with them until they accept the peace proposal. Contrary to the rumours and disinformation they try to spread, even to their own people, they can have no hope that the peace plan will be changed by the international community. Only their acceptance can lead them out of this impasse.

The Bosnian Serb leadership must realize that a continued policy of refusal and further "ethnic cleansing" will only bring them closer to the abyss. After acceptance by all parties, mutually agreed changes remain, of course, possible.

We welcome Belgrade's important decision to support the peace proposal of the Contact Group and to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia. We also warmly welcome and support the establishment of the mission of the International Conference on the Former Yugoslavia under Colonel Pellnäs. That mission needs the full support of the international community.

We expect that the authorities in Belgrade will continue to effectively close the border and support the mission of the International Conference on the Former Yugoslavia. Continued reports of that mission in Belgrade on the effectiveness of the border closure will provide the basis for future action. That is why any information on the situation on the border should be directly communicated to the mission in Belgrade for further verification.

The current Bosnian Serb policy of rejection and obstruction must not be allowed to stop the peace process from moving forward. United Nations sanctions against Bosnian Serbs have to be rigorously implemented until they meet the demands of the international community. At the same time, we must press ahead with efforts to achieve a just and lasting settlement. The European Union considers it important to develop further initiatives, using the full range of incentives and disincentives, in order to promote a comprehensive peace settlement. We strongly support the introduction of additional elements into the peace process to overcome the risk of stagnation created by the continuing obstinacy of the Bosnian Serbs.

The Federal Republic of Yugoslavia (Serbia and Montenegro) has a major responsibility for the present situation in the former Yugoslavia and must therefore contribute constructively to further progress towards a political solution. Further easing of United Nations sanctions, in the absence of Bosnian Serb acceptance of the peace plan, will be possible only if Belgrade takes significant further steps, proving by deeds that it has really changed its policy in the former Yugoslavia.

Such a course of peace would, in our view, require the Belgrade authorities to take the following steps: recognition of Bosnia and Croatia within their internationally accepted borders; continued endorsement of the Contact Group plan for Bosnia, which would ensure, in the context of Bosnian Serb acceptance of the plan, balanced treatment for the Bosniac Croat and Bosnian Serb entities, including the establishment of parallel special relationships with neighbouring countries, provided that this would not be inconsistent with the integrity of the Union of Bosnia and Herzegovina; endorsement of the plan of the International Conference on the Former Yugoslavia, once finalized, as the basis of the solution for the areas of Croatia under United Nations protection; and the maintenance of an effective and verified régime whereby exports from the Federal Republic of Yugoslavia (Serbia and Montenegro) to the

Bosnian Serbs are restricted to humanitarian assistance until the Contact Group plan is accepted by Pale, and verified maintenance of the policy of the Federal Republic of Yugoslavia (Serbia and Montenegro) that exports to the Krajina Serbs are equally restricted until the International Conference's plan for the areas of Croatia under United Nations protection, once finalized, is accepted by Knin.

Only these bold steps by Belgrade would make possible a bold reaction by the international community.

The United Nations Protection Force (UNPROFOR) plays an essential role in contributing to the conditions for achieving such a settlement. Whether in peace-keeping, in assisting humanitarian efforts or in promoting cease-fires, the presence of UNPROFOR remains invaluable. Let us again pay tribute to the efforts of the Secretary-General's Special Representative, his Force commanders and the men and women of UNPROFOR, as well as the personnel of the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other humanitarian organizations, who, often at great personal risk, work for peace in Bosnia.

UNPROFOR remains an indispensable instrument for overcoming the tragic and unsatisfactory situation in that plagued country and for ensuring strict implementation of the Security Council's decisions. The agreed close coordination of UNPROFOR and the North Atlantic Treaty Organization (NATO) will facilitate fast and efficient implementation of the decisions taken by the Security Council — in particular, those concerning safe areas — and of the related agreements with the parties. We express our deep concern about the recent increase in military activities, which threaten the peace effort at this critical juncture.

We are particularly concerned about the situation in Sarajevo and the danger of its strangulation. We therefore strongly support the full demilitarization of Sarajevo and call on UNPROFOR to urgently finalize work on a concept for demilitarization.

The creation of the Bosniac-Croat Federation constitutes a very significant step towards achieving an overall settlement in Bosnia and Herzegovina. It is of the utmost importance that the international community actively support the development of the Bosniac-Croat Federation at all levels. The European Union administration in Mostar is a concrete and tangible contribution to achieving reconciliation in the Republic of Bosnia and Herzegovina. Only a short while after its establishment, Mr. Koschnik and his highly motivated European team are proving that it is possible to overcome, step by step, the mutual hatred and mistrust and to lay the foundation to enable the peoples in Bosnia and Herzegovina to live peacefully together. In the same spirit, the European Union monitoring mission is playing an active role in the effort to reconcile the different communities — in particular, in Bosnia and Herzegovina.

From the beginning of the crisis in the former Yugoslavia, the European Union has been at the forefront in promoting peace and alleviating the suffering of the civilian population. We have taken the lead in the delivery of humanitarian assistance, which is essential to the refugees and the civilian population. We are determined to continue our humanitarian support for the population in Bosnia. In this context, we stress again the necessity of the free and unimpeded delivery of humanitarian supplies and of the reopening of Tuzla airport.

The progress made thus far and the prospects for a negotiated settlement could be jeopardized by decisions with unpredictable consequences. The risk of spreading the conflict, of increased hostilities, has not diminished. The European Union is seriously concerned about the consequences of lifting the arms embargo. We consider that a political settlement should be pursued until all avenues are exhausted. That stage has not yet been reached. The lifting of the arms embargo must remain a last resort. All concerned should carefully analyse the impact of such a course on the situation and the risks that it would create for the civilian population, for the security and continued presence of UNPROFOR and for the peace process and the positive developments already achieved.

For these reasons we cannot accept a lifting of the arms embargo and, therefore, we shall abstain in the voting on the draft resolution.

What is needed in the coming months, on the basis of the results already achieved, is a decisive political effort to create the necessary conditions for a peaceful solution to the conflict, as foreseen in the Contact Group plan. The European Union remains committed to working with our partners to maintain the momentum of this process.

At the same time, these political efforts will need the unanimous backing of the international community. We therefore strongly appeal to all those who want to

bring peace to the former Yugoslavia to fully support, at this crucial juncture, efforts leading to bold steps towards the implementation of the peace proposal.

Mr. Biegman (Netherlands), Vice-President, took the Chair.

Mr. Zlenko (Ukraine): The feeling of hope which has been in the air since the efforts of the Contact Group towards a negotiated settlement received a new impetus, is vanishing. Events in Bosnia and Herzegovina in recent months — and even these days — have demonstrated the fragility of peace on the ground. The senseless fratricidal war seems to have entered a new dangerous phase. Regrettably, the parties to the conflict continue to see military action as the most viable and effective way to resolve the crisis even though that results in nothing but new victims, new suffering and new destruction. The delegation of Ukraine expresses great concern about the intensification of military activities in Bosnia and Herzegovina and urges both parties to show patience and restraint.

In our view, the unwillingness of the parties to the conflict to take into account the vital interests of the other ethnic communities living in the territory of Bosnia and Herzegovina, political manoeuvring and reliance on force will only lead to aggravation of the situation and indefinite prolongation of the senseless bloodshed.

Ukraine calls on the leadership of the Bosnian Serbs to show flexibility and join the efforts of the international community aimed at the peaceful settlement of the Bosnian crisis.

We would also like to reiterate our condemnation of the disgraceful and illegal practices of so-called ethnic cleansing by whomsoever committed. Ethnic and religious intolerance and animosity will only result in long-lasting negative consequences for the peoples of Bosnia and Herzegovina. Cessation of the brutal and shameful practices of violation of basic human rights and the rights of the national minorities is in the interests of all ethnic communities in this war-torn country.

In this regard our delegation would like to see the draft resolution before us contain general provisions regarding the unacceptability of these policies and their incompatibility with the norms of international law.

The delegation of Ukraine would like to voice its concerns regarding the recently expressed opinion — supported in some political circles — that the United Nations Protection Force (UNPROFOR) was misconceived from the start. UNPROFOR's mandate is being questioned. It is blamed for the continuing hostilities in the country and inaction.

We would like to recall that the deployment of UNPROFOR in the former Yugoslavia prevented an escalation of bloodshed and its transformation into a full-fledged war in the Balkans.

The delegation of Ukraine is in full agreement with the Secretary-General's understanding that:

> "The continuation of warfare in parts of Bosnia and Herzegovina...should not be allowed to obscure the largely successful peace-keeping work carried out by the Force." *(S/1994/1067, para. 12)*

The decisive actions of UNPROFOR personnel have saved the lives of thousands of Bosnians, Croats and Serbs. They have brought relief to the people and tried to minimize the suffering of the most vulnerable strata of the population - children, women and the elderly. During my stay in Sarajevo I was personally convinced that these actions are extremely important at this time.

One of Ukraine's battalions is deployed in Bosnia and Herzegovina in the vicinity of Sarajevo as part of an UNPROFOR contingent. Nine of our soldiers have lost their lives in the service of the United Nations — and I have just received word that 10 Ukrainian soldiers were killed in so-called "hot zones" yesterday.

Of course, we cannot but strongly object to the very idea of lifting the arms embargo against Bosnia and Herzegovina. We understand that the main reason for wanting to do so is that it would enable all sides to fight equally, but while this move may appeal to our sense of justice it is entirely the wrong logic if we really want to end the war.

Ukraine believes that the lifting of the embargo would result in a heavy build-up of armaments and in stepping up the war; it could, in a short time, provoke the involvement of neighbouring countries.

The lifting of the arms embargo would not deter the Bosnian Serbs and would only inspire the other parties to pursue the offensive to regain lost territory, thus making UNPROFOR personnel hostages as well as the object of attacks by any of the parties to the conflict.

The delegation of Ukraine, therefore, is not ready at this stage to support some of the provisions of the draft resolution concerning the lifting of the arms embargo against Bosnia and Herzegovina.

In my delegation's view the decision to lift the arms embargo can only be taken by the Security Council, which is directly empowered by the United Nations Charter to take responsible and adequate decisions concerning the maintenance of international peace and security. By introducing the arms embargo the Security Council had already expressed its understanding of the situation in the territory of the former Yugoslavia, and only that body can change its own approach.

Any other action may have a serious negative impact on the situation in Bosnia and Herzegovina. In our view, it would undermine the sanctions regime introduced by the Security Council, and thus compromise the very essence of coercive action undertaken on behalf of the international community in accordance with Chapter VII of the Charter and also run counter to the provisions of Security Council resolutions 941 (1994) 942 (1994) and 943 (1994). Such action would also undermine cooperation on the part of the Federal Republic of Yugoslavia regarding the cut-off of all but humanitarian assistance to the Bosnian Serbs which has proved to be effective.

The Federal Republic of Yugoslavia continues to win international trust by faithfully pursuing the course on which it has recently embarked.

We think it timely to approach the issue of further steps in the direction of the lifting or suspension of sanctions against the Federal Republic of Yugoslavia. The explicit recognition by the Federal Republic of Yugoslavia of the sovereignty, territorial integrity and inviolability of its neighbours would greatly facilitate and speed up such a decision.

In conclusion, I would like to assure the Assembly that Ukraine will continue to participate in the joint efforts of the international community in its search for an effective political settlement of the conflict in the territory of the former Yugoslavia.

Mr. Erdös (Hungary) *(interpretation from French)*: There is no doubt that the terrible tragedy that continues to beset the peoples and nations of the former Yugoslavia represents one of the most serious challenges ever faced by the United Nations since it came into existence, and one of the most heart-rending dilemmas that the international community has had to face in decades. On the occasion of this debate on the situation in Bosnia and Herzegovina we believe it is timely to recall that all of us have repeatedly allowed exceptional opportunities to go by which would have enabled us to give an appropriate response to the aggression and the massive and systematic violations of human rights. We must observe that the community of nations and its international organizations, despite commendable efforts to diminish the humanitarian dimensions of the tragedy, have in the end looked on powerlessly at the tide of nationalistic folly and the unleashing of blind ethnocentrism in former Yugoslavia. In retrospect it is difficult to understand how the policy of territorial conquests, "ethnic cleansing" and obscurantist intolerance have managed to prevail over the oft-repeated will of the United Nations. The explanation resides perhaps in the absence of enough political determination to put into effect the multitude of resolutions and presidential statements on the subject that the Security Council has adopted in the past three years.

Today the word "Bosnia" has taken on a special meaning. It has become much more than the simple name of a small picturesque country on the map of Europe. Originally that word, despite the twists and turns of local history, was a symbol of multi-ethnicity and cultural and religious diversity, an example of the viability of the concept of tolerance and harmonious existence between different communities. But since April 1992, the beginning of the merciless siege of Sarajevo, this word "Bosnia" has become a synonym for destruction and death for those who live there, and for powerlessness and failure for those throughout the world who thought they were able to combat irrational hatred and sought to come to the aid of an unfortunate country fighting for its survival.

From this lofty rostrum we must recognize without complacency the share of responsibility borne by all for this grave failure of the collective security system of the United Nations. The least that we can do in the tragic circumstances of today is to draw the proper conclusions in order to avoid a repetition in the future of this kind of bloodletting. In this context Hungary has given its support to the creation of the International Tribunal for the former Yugoslavia, and we look forward with great interest to the results of its work.

Important developments have taken place since last December when the General Assembly last addressed the question of the situation in Bosnia and Herzegovina. The decisions of the North Atlantic Council, the Washington

Agreements between Bosnians and Croats and the confederal arrangements between Croatia and the Federation of Bosnia and Herzegovina were all significant steps along the way to a political settlement of the crisis. We are convinced that there is no true solution other than an overall settlement accepted by all the parties. The peace proposal prepared by the Contact Group continues to be the only valid alternative to war and human suffering. We condemn the Bosnian Serb party for its refusal to accept the proposed plan. There are no, because there cannot be any, rational arguments that are the slightest bit acceptable to justify pursuing the conflict, especially if we bear in mind who are the major beneficiaries in Bosnia and Herzegovina of the territorial changes, "ethnic cleansing" of entire regions, and murdering of the very idea of tolerance, mutual respect and coexistence between peoples of different origins or faiths.

We must recognize that the chasm that has been created at the price of so much blood and tears will be difficult to bridge, not to speak of the effect that this destructive example could have eventually in other lands throughout the world that are ethnically mixed. There, precisely, resides the ultimate crime of this end of the century. The attempt to heal the deep wounds promises to be all the more difficult in that it is not certain that an overall settlement, for which we all yearn, will contain all the necessary elements to promote the principles of the United Nations Charter and those of the International Conference on the Former Yugoslavia. It is indispensable in the interests of all that this settlement include the fewest possible ingredients that might trigger new crises and new conflicts. If there is a lesson to be learned from the events in the former Yugoslavia, it is that these accursed phenomena, which we long thought had been relegated to the dust bin of history, can, even at the end of this bloodstained century, regain all their virulence. That is why the principles that our world Organization has proudly proclaimed cannot be ignored; they must be at the heart of any just and lasting settlement for the former Yugoslavia.

Hungary welcomes the decision of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close its international borders with Bosnia and Herzegovina. We believe that this measure goes in the right direction, even though it should have been adopted much earlier in conformity with previous Security Council resolutions. So much for the myth of a federal republic which — as was so long insisted upon — had nothing to do with the conflict in Bosnia. The logical follow-up to this recent decision would be mutual recognition between Sarajevo and Belgrade. On the strict application of that decision will depend the continuation of the partial suspension of certain sanctions in conformity with Security Council resolution 943 (1994). Still, once all the necessary conditions have been fulfilled in Bosnia and Herzegovina and in Croatia, Hungary has every interest in seeing the lightening and gradual phasing out of the economic sanctions imposed on Belgrade. In this regard we would also like to call the attention of the Yugoslav authorities, as is emphasized in the draft resolution before us, to the disturbing problems arising in their own territory with regard to the human rights of national minorities, the solution of which in our view would greatly contribute to returning the Federal Republic of Yugoslavia (Serbia and Montenegro) to the family of nations.

It is well known that due to its immediate proximity and traditional links with its southern neighbours, Hungary is especially affected by the crisis in the former Yugoslavia. Hungary in this case is much more than one other State Member of the United Nations, or a simple observer of the events, because the implications of this tragedy affect us very closely — the breaking of thriving economic relations, the closing of navigation on the Danube, the presence on our territory of refugees fleeing from the former Yugoslavia, the uncertainty felt among a large Hungarian minority beyond our southern borders, the psychological effects of the crisis in a region bearing a heavy burden of history. That is what determines Hungary's position on this very complex question, and that is what gives us a unique vision and very special perspective with regard to these events.

Some paragraphs of the draft resolution before us do not seem to us to have been drafted in a fully satisfactory manner or to provide the most effective and desirable way of bringing us closer to the end of the tragic conflict in Bosnia and Herzegovina and to the prompt settlement, on the basis of a political agreement among all the parties to the conflict, of the crisis in that country. However, we support the general tenor of the broad direction taken, by the draft. In the present political circumstances, we attach primary importance to issuing a powerful and unequivocal message on this subject, and we feel that, that is achieved on the whole, by this draft resolution. Consequently, we are prepared to support it.

Mr. Cissé (Senegal) *(interpretation from French)*: The events that have unfolded since the presentation by the Western Contact Group on 30 July last of its peace plan have certainly finally eliminated the doubts, if any remained, as to the true intentions of those who for more

than three years now have been conducting continuous aggression against the Republic of Bosnia and Herzegovina.

The Bosnian Serb party, by rejecting the Western peace proposals, has taken its compulsion of blind defiance of the rules and principles governing the community of nations one step further. That party has thus embarked upon a policy of raising the stakes and of evading reality, a step which constitutes a threat to international peace and security that is all the more serious because it has in recent months taken the form of a resurgence of military actions aimed at blocking United Nations operations and of an acceleration of "ethnic cleansing", as well as of a tightening of the siege of Sarajevo and attacks against civilians in the safe areas and the besieged towns and cities of the Republic of Bosnia and Herzegovina.

The response to this new challenge was the adoption by the Security Council on 23 September last, in its resolutions 942 (1994) and 943 (1994), of a package of measures which, by making an artificial distinction, increase the isolation of the Bosnian Serbs and prematurely offer their allies in Serbia and Montenegro an easing of the sanctions on the basis of mere declarations of intent. These measures have unfortunately not prevented the Bosnian Serb forces, in cooperation with the Serb paramilitary units in the occupied territories of Croatia, from pursuing their campaign of systematic terror in the Republic of Bosnia and Herzegovina.

That is why the delegation of Senegal reaffirms its conviction that, when it comes to defending the sovereignty, the independence, the territorial integrity and the unity of a Member State of the United Nations — in this case the Republic of Bosnia and Herzegovina — the international community's goal, and especially the Security Council's goal, in the exercise of its responsibilities under Article 24 of the Charter, should be the restoration, by all necessary means, of international peace and security. It should not be the search for a balance between the aggressor and the victim, which would only contribute to perpetuating the conflict and its attendant destruction and suffering.

On the basis of those factors, Senegal joins all the sponsors in fully supporting the draft resolution submitted to the General Assembly in document A/49/L.14/Rev.9, under whose essential provisions the General Assembly would call on the Security Council to take a stand on the inapplicability of resolution 713 (1991) to the Government of the Republic of Bosnia and Herzegovina.

Indeed, the recognition and the proclamation of the legality and legitimacy of the cause of the Republic of Bosnia and Herzegovina will not be enough by themselves to put an end to the aggression and the genocide of which the martyred people of Bosnia and Herzegovina are today the victims. The members of the international community must help that country and its people exercise the inherent right to individual and collective self-defence conferred upon them by Article 51 of the Charter.

Demonstrating his constant will for peace, His Excellency Mr. Alija Izetbegović, the President of the Republic of Bosnia and Herzegovina, in his statement before the General Assembly offered a realistic compromise, whose substance, which is repeated in the draft resolution before us, should make possible the *de jure* lifting of the arms embargo by means of modalities under the control of the United Nations.

Today's debate offers the Senegalese delegation the opportunity to pay tribute to the efforts of the Bosnian and Croatian parties to implement the Washington Agreements rapidly and to launch a fresh appeal to the Serbian leaders to join this federal process, which is the only way of safeguarding the multi-ethnic and multi-religious nature of Bosnia and Herzegovina, whose territorial unity and integrity are not negotiable.

The leaders of the Bosnian Serb party should understand that the international community cannot recognize or admit any policy which is based on the acquisition of territories through genocide and "ethnic cleansing" and whose disastrous consequences are described in the reports of the Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia, and in the report of the Committee on the Elimination of Racial Discrimination contained in document A/48/18.

We must pay tribute here to the efforts of the United Nations Protection Force (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and all those people of good will who day after day are trying, sometimes at the risk of their lives, to lessen the suffering of the innocent victims of this aggression.

I wish to conclude by voicing an appeal that the International Tribunal, whose establishment has finally been completed, should be given the necessary resources to set to work without further delay on implementing the

procedures required in order to bring to judgement all those who are responsible for the flagrant, systematic and large-scale violations of human rights and international humanitarian law committed against the people of the Republic of Bosnia and Herzegovina and the Albanian, Bosnian, Croatian and Hungarian ethnic minorities in Kosovo, Sandzak and Vojvodina.

Mr. Grima (Malta): As individuals, we experience a sense of profound anger at the continued suffering being inflicted on fellow human beings in Bosnia and Herzegovina. As Governments, we share a deep concern at the direct challenge to international legality and stability, made worse by the cynical disdain with which the most deeply entrenched norms of humanitarian law continue to be flouted.

The implosion that has taken place in the former Yugoslavia is perhaps the most dramatic reflection of the effect that internal upheaval within a single nation could have, not only on its immediate neighbours, but also on its whole region and indeed beyond. Interdependence and its relationship to security has clearly developed a new and complicated dimension.

Many have reflected on the fact that one unfortunate result of the end of the cold war appears to have been the unleashing of ethnic, political and territorial disputes that had been suppressed over the last half century. The thwarted hatreds today wreaking havoc in the former Yugoslavia may indeed have roots buried in history, yet those roots on their own would have been incapable of generating so much human misery had they not been nurtured and exploited by those who cherish their own personal power regardless of the cost.

Several attempts have been made to end the bloodshed in Bosnia and Herzegovina. Each genuine attempt to achieve a just peace and restore stability and sanity to this tragedy-engulfed region deserves support.

Regrettably, the efforts of the international community to restore peace have yet to prevail. That so much effort has not yet achieved its principal objective may justify dismay and frustration. Developments in Bosnia and Herzegovina may prove to have been a test case for the role of our Organization. There are already those who assert that our Organization has failed in its new role. In their assessment, however, these critics fail to address some important questions, namely: Would the people of Bosnia and Herzegovina have been better off today without the presence of the 38,000-strong international contingent forming the United Nations Protection Force (UNPROFOR)? Would the people of Bosnia and Herzegovina have been better off today without the valiant efforts of the United Nations High Commissioner for Refugees and her staff? Would the people of Bosnia and Herzegovina have been better off today without the tireless efforts of the Co-Chairmen of the International Conference to broker peace? Indeed, would the people of Bosnia and Herzegovina have been better off today had the United Nations decided not to accept the challenge, face its responsibilities and stand up to coercion? The answer to all those questions is an emphatic "No."

In taking stock of developments in the former Yugoslavia, we can learn some important lessons. There is an increasing recognition of the changing nature of conflict as wars break out within States. Some argue that the spate of new problems that have arisen are an integral part of the new international order. Others believe that they are a natural, though temporary, process of adjustment to the new realities. Intra-State instability clearly demands a better understanding. We need to identify those specific sources within States that could threaten the wider peace. In our efforts to maintain international peace and security, greater discernment is called for, especially in those cases where the threat to international peace and security comes from within a State rather than from across borders.

While not suggesting that the United Nations should intervene in matters within the domestic jurisdiction of a State, we do believe that there exist specific and extraordinary circumstances in which such intervention is warranted and in accordance with the Charter. In this connection we share the view expressed by the Secretary-General in his recent contribution to *The New York Times*, in which he wrote:

> "the United Nations needs to build a greater understanding of the limited circumstances under which such action is undertaken." (*The New York Times, 30 October 1994, Section 4, p. 15*)

The Malta Government, as my Deputy Prime Minister has stated on a number of occasions, is firm and unequivocal in its condemnation of the atrocities which have been committed and continue to be committed in the former Yugoslavia. We denounce the abhorrent policy of "ethnic cleansing" and the senseless acts of aggression against defenceless civilians. We are convinced that the international community will not let the gross and systematic violations of human rights and international

humanitarian law go unpunished. The perpetrators of such crimes, acting individually or in groups, are accountable for their actions. My Government welcomes the International Tribunal which has been established and which, through the Office of the Prosecutor, is carrying out its investigations and preparing indictments to be submitted for confirmation by year's end.

Malta's adherence to and strict observance of the decisions of the Security Council has been consistent and unequivocal throughout. We believe that the full implementation of measures taken by the Security Council can be instrumental in restoring peace and bringing to an end the gross and systematic violations of fundamental human rights in Bosnia and Herzegovina.

In contrast, an increase in the flow of arms to the region might lead to a greater balance in the destructive force of the parties to the conflict, but would almost certainly lead to a wider war. In this respect, lifting the arms embargo could further escalate an already vicious cycle of death and destruction.

In referring to the situation in the former Yugoslavia in his report on the work of the Organization, the Secretary-General emphasized:

> "Any settlement imposed on one side or the other by military means might, at best, result in a temporary halt of hostilities and would eventually draw the international community into even more troubled waters." (*A/49/1, para. 706*)

Aware that the temptation to compel should not easily replace the instinct to persuade, the international community has shown great restraint in the use of force in seeking to resolve the conflicts in Bosnia and Herzegovina.

Since wars start in the hearts and minds of men, it is in the hearts and minds of men that they must first be dealt with, as the preamble to the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) reminds us. A lasting peace in Bosnia and Herzegovina is ultimately dependent on a nurtured political will. An end to the present agony and anguish requires, rather than the force of arms, the force of tolerance, mutual respect and freedom.

Mr. Batu (Turkey): Once again we are considering the ongoing grave situation in Bosnia and Herzegovina. Regrettably, the tragedy there has continued to top the international agenda for the past 12 months.

Despite numerous Security Council and General Assembly resolutions, all the commitments and promises made to the Government and people of Bosnia and Herzegovina remain unfulfilled. The latest peace plan proposed by the five-nation Contact Group on 1 July this year is yet to be implemented.

In the spirit of peace, the Government of Bosnia and Herzegovina made important concessions and sacrifices. However, its constructive approach and goodwill remain unanswered. The peace plan it accepted with great sacrifice stated clearly that the side that rejected the plan would be punished, while the side that agreed with the provisions of the plan would be rewarded. Just the opposite happened. At a time when the campaign of "ethnic cleansing" has been accelerated and Sarajevo and other safe areas have been subjected to strangulation, we have witnessed with deep indignation the adoption of Security Council resolution 943 (1994), which eases the sanctions on Serbia and Montenegro. The Bosnian people are yet again totally disappointed and feel that they have been betrayed by the international community. In the strangulated towns and villages of Bosnia the people are desperately struggling for survival with hope in their hearts and shelling in their ears. They are still deprived of the means to exercise their inherent right to self-defence.

We have arrived at a critical juncture. First, the Serbs have to be forced to accept the peace plan. Secondly, pressure must be exerted on Serbia and Montenegro to make them recognize Bosnia and Herzegovina, Croatia and Macedonia within their internationally recognized borders. Thirdly, a true and effective border-monitoring regime should be established between the Serbian-controlled parts of Bosnia and Serbia and Montenegro. Fourthly, responsive and effective measures to end the strangulation of Sarajevo and other "safe areas" should be taken without further delay.

Nothing is more important than letting the Bosnian people acquire the means to exercise their right to self-defence under Article 51 of the United Nations Charter. Therefore, we welcome and strongly support the draft resolution submitted to the Security Council by the United States. This draft resolution reflects the constructive stand of the Government of Bosnia and Herzegovina and states that its implementation will be deferred for six months. The draft is also in line with the commitments of the five-nation Contact Group. They have underlined that in the event of continuing rejection of the Contact Group's peace plan by the Bosnian Serb

party, a decision by the Security Council to lift the arms embargo could become unavoidable. We call upon the members of the five-nation Contact Group to stand by their commitments.

The wrong messages continue to be sent to the Serbs. While waiting for an adequate and determined response to the Serbian rejection of the peace plan, we have observed, yet again, conflicting signals from some members of the five-nation Contact Group indicating that new demands from the Serbian side would be favourably considered. The international community cannot and should not accept any attempt to change the peace plan that could lead to the dismemberment of Bosnia. Draft resolution A/49/L.14/Rev.1, which is before us today and which we have so proudly co-sponsored, reaffirms the principle of inadmissibility of the acquisition of territory through the use of force and emphasizes that the consequences of "ethnic cleansing" shall not be accepted by the international community. It also stresses that the continued aggression against the Republic of Bosnia and Herzegovina constitutes a threat to international peace and security and is a serious impediment to the peace process.

I must also reiterate our commitment to and support for the Washington Agreements. The draft resolution, which I hope we shall adopt by consensus today, describes these Agreements as a model for an overall solution. The Federation established by these Agreements is also open to the participation of the Serbs. Indeed, these Agreements have set the principles for a just and viable peace in Bosnia. They have defined the framework for preserving the territorial integrity and unity of Bosnia and Herzegovina as a multicultural, multi-religious and multi-ethnic State. The aggressors shall not be allowed to undermine this goal.

We hope that the aggressors will heed the message of determination coming from the community of nations. We call upon the Serbian side to stop its defiance of international law.

We will continue actively to support the brave people of Bosnia and Herzegovina in their just struggle for survival, freedom and democracy.

The meeting rose at 1.15 p.m.